

**Waupaca County DHHS
Board Briefing Sheet
Amended**

AREA: AGENCY WIDE

Issue/Subject:	Citizen Member Per Diem
Date:	January 31, 2022/Amended February 24, 2022
Department/Service Affected:	Steering/Advisory Committees
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Issue/Subject Background

This issue relates to the payment of a per diem and mileage to citizen members of the many different steering committees providing input and guidance to areas of the Department of Health and Human Services (DHHS). County Ordinance 2.13 governs this issue (COUNTY BOARD MEMBER AND CITIZEN MEMBER ENTITLEMENTS). That section of the ordinance defines Citizen Member as “A member serving on a statutory committee/board/commission per Wisconsin State Statutes and appointed by the County Board of Supervisors.”

The ordinance further states in **2.13 D**.

Supervisor/County Board Chair/Citizen Member Entitlement:

Prior to November 1st of each odd numbered year, the Legislative, Judicial, Ethics, Safety and Security Committee shall review and recommend to the Executive Committee for recommendation to the County Board by resolution the salaries for County Board Chair and Vice-Chair and per diem schedules for the full term of the Supervisors to be next elected, as provided by law. Citizen members shall be paid at the same rate as elected Supervisors. Members attending virtually shall receive per diems as if they physically attended the meeting.

Currently the only citizen members that receive payment are those serving on the DHHS Board.

Original Question to be Answered

Is the DHHS to pay all of the citizen members of the identified committees that have their genesis within State Statutes?

Issue Update

The DHHS Board’s action at the February meeting was that the issue be brought to the county’s Legislative, Judicial, Ethics, Safety & Security Committee for further study and guidance. That occurred on February 14th. That committee directed staff to work with this writer (DHHS Director) to create a draft of updates that would be recommended to the LJESS committee at their March meeting. One recommendation was to change the word “entitlement” found in the title of county ordinance to “compensation.”

At the end of this document, the reader will find additional recommendations to address this issue.

Current DHHS Steering/Advisory Committees

The DHHS has multiple steering and advisory committees that have their genesis in statutory language. The are:

1. Commission on Aging

The statutory genesis for this committee is found in State Statutes **46.82 (4) (a)** and reads as follows: Appointment.

1. Except as provided under subd. 2., the county board of supervisors in a county that has established a single-county aging unit, the county boards of supervisors in counties that have established a multicounty aging unit or the elected tribal governing body of a federally recognized American Indian tribe or band that has established a tribal aging unit shall, before qualification under this section, appoint a governing and policy-making body to be known as the commission on aging.

2. In any county that has a county executive or county administrator and that has established a single-county aging unit, the county executive or county administrator shall appoint, subject to confirmation by the county board of supervisors, the commission on aging. A member of a commission on aging appointed under this subdivision may be removed at pleasure by the county executive or county administrator.

(b) Composition. A commission on aging, appointed under par. (a) shall be one of the following:

1. For an aging unit that is described in sub. (1) (a) 1. or 2., organized as a committee of the county board of supervisors, composed of supervisors and, beginning January 1, 1993, advised by an advisory committee, appointed by the county board. Older individuals shall constitute at least 50 percent of the membership of the advisory committee and individuals who are elected to any office may not constitute 50 percent or more of the membership of the advisory committee.

2. For an aging unit that is described in sub. (1) (a) 1. or 2., composed of individuals of recognized ability and demonstrated interest in services for older individuals. Older individuals shall constitute at least 50 percent of the membership of this commission and individuals who are elected to any office may not constitute 50 percent or more of the membership of this commission.

3. For an aging unit that is described in sub. (1) (a) 3., the board of directors of the private, nonprofit corporation. Older individuals shall constitute at least 50 percent of the membership of this commission and individuals who are elected to any office may not constitute 50 percent or more of the membership of this commission.

(c) Terms. Members of a county or tribal commission on aging shall serve for terms of 3 years, so arranged that, as nearly as practicable, the terms of one-third of the members shall expire each year, and no member may serve more than 2 consecutive 3-year terms. Vacancies shall be filled in the same manner as the original appointments. A tribal commission on aging member appointed under par. (a) 1. may be removed from office for cause by a two-thirds vote of each tribal governing body participating in the appointment, on due notice in writing and hearing of the charges against the member. A county commission on aging member appointed under par. (a) 1. may be removed from

office by a two-thirds vote of each county board of supervisors participating in the appointment, on due notice in writing.

In addition to the above, the Department of Health Services has created a 625 page document titled the **Wisconsin Aging Network Manual of Policies, Procedures, and Technical Assistance** that provides guidance and requirements of aging programs. That manual recognizes the Commission on Aging and under section, 3.6.4 of the manual speaks to compensation of members. It states, "Each aging unit shall develop a policy governing the compensation of commission on aging members."

2. Nutrition Advisory Council

The **Wisconsin Aging Network Manual of Policies, Procedures, and Technical Assistance** also speaks to the establishment of the Nutrition Advisory Council. Under 8.2.7 of the manual, it states, "the nutrition program of each aging unit shall establish a Nutrition Advisory Council that is separate from any other advisory group of the aging unit."

3. Transportation Coordinating Committee

The Statutory genesis for the committee is found within State Statutes **85.21 Specialized Transportation Assistance Program for Counties**. Additional guidance is provided in Administrative Code **Trans 2 Enhanced Mobility for Seniors and Individuals with Disabilities Grant Program**.

Within that code is found **Trans 2.10 Local public body applicants**. This relates to those receiving dollars under the **85.21** grant program.

2.10

(1) Definition. In this section, "transportation coordinating committee" means a committee appointed by the county board for coordinating the county's specialized transportation which:

(a) Includes members representing at least the following:

1. County board;
2. County aging unit;
3. County department of social services or county department of human services;
4. County boards created under s. 51.42 or 51.437, Stats.;
5. Transportation providers — public, proprietary and nonprofit;
6. Elderly and disabled citizen advocates;
7. Consumer and agency advocates

4. Comprehensive Community Services Coordinating Committee (CCS)

The statutory genesis for the committee is found within State Statutes **49.45 (30e) (b)** and **51.42 (7) (b)** with further direction within **DHS 36**

DHS 36.01 Authority and purpose. This chapter is promulgated under the authority of ss. 49.45 (30e) (b) and 51.42 (7) (b), Stats., to establish the scope of psychosocial service programs, standards for certification and criteria for determining the need for psychosocial rehabilitation services, and other conditions of coverage of community based psychosocial services under the medical assistance program pursuant to ss. 49.45 (30e) and 49.46 (2) (b) 6. Lm., Stats.

It is further stated in **DHS 36.09 CCS Coordination Committee**.

(1)

(a) The CCS shall appoint a coordination committee that includes representatives from various county or tribal departments, including individuals who are responsible for mental health and substance abuse services, service providers, community mental health and substance abuse advocates, consumers, family members and interested citizens.

- (b) An existing committee within the county or tribe may serve as the coordinating committee if it has the membership required and agrees to undertake the responsibilities in sub. (3).
- (2) At least one-third of the total membership of the coordination committee shall be consumers. No more than one-third of the total membership of the coordination committee may be county employees or providers of mental health or substance abuse services.

5. Children's Community Options Program (C-COP)

The statutory genesis for this program is found in State Statutes **46.272** Children's community options program.

The Wisconsin Department of Health Services has provided the guidance for that program and states that county departments shall do the following:

Duties of participating county departments. Each participating county department shall do all of the following:

Appoint members to an advisory committee or appoint an existing committee in the service area as the children's community options advisory committee to assist in developing the program plan and to monitor the program. The committee shall include, but need not be limited to, the following members:

1. Parents of children with disabilities including, if possible, parents from families that participate in the children's community options program. To the maximum extent possible, the parents shall be representative of the various disability, racial, and ethnic groups in the service area. The members specified under this subdivision shall constitute a majority of the membership of the committee.
2. Persons from the service area representing the county department under s. 46.23, 51.42, or 51.437 and the county department under s. 46.215 or 46.22, school districts, and local health departments, as defined in s. 250.01 (4). At least one of the committee members selected under this subdivision shall be a person providing community social services to children with disabilities who are eligible for the program

6. Coordinated Service Teams (CST)

The statutory genesis for this program is found in State Statutes **46.56** Initiatives to provide coordinated services for children and families

It is further stated within

46.56

(3) Coordinating committee.

(a) The coordinating committee shall include representatives from all of the following:

1. The county department responsible for child welfare and protection services or, for an initiative established by a tribe, the tribal agency responsible for child welfare and protection services.
2. The county department responsible for mental health and alcohol and drug abuse services for children and families or, for an initiative established by a tribe, the tribal agency responsible for these services.
3. The county department responsible for providing services for children who have developmental disability or, for an initiative established by a tribe, the tribal agency responsible for providing these services.
5. The juvenile court administrator or another representative appointed by the judge responsible for cases heard under chs. 48 and 938 or, for an initiative established by a tribe, a representative of the tribal court.
6. The largest school district in the county and any cooperative educational service agency, if it provides special education in the county, or any county children with disabilities education board in the county, and any other school district in the county that is willing to participate in the initiative,

at the discretion of the administering agency. For an initiative established by a tribe, the coordinating committee shall include a representative of the school district serving the majority of pupils who reside on the reservation of the tribe or on trust lands held for the tribe and any cooperative educational service agency providing special education services to these pupils.

7. At least 2 parents, or the number that equals 25 percent of the coordinating committee's membership, whichever is greater, of children who are involved in 2 or more systems of care.

The CST Committee has been combined with the CCS Committee.

7. Birth to Three (B-3)

The Birth to Three services has its genesis in State Statutes **51.44 Early intervention services** and is governed by **DHS 90 Early Intervention Services for Children from Birth to Age 3 with Developmental Needs**. Although it is stated in **DHS 90.06 (2) Responsibilities**.

“A county administrative agency shall ensure that all of the following are done:

(a) Parents, representatives of agencies that refer, evaluate or provide services to young children and their families in the community and other interested persons are involved in planning, development and operation of the early intervention service system.” It does not require a standalone oversight committee. Although, many counties have created what is commonly called a Local Interagency Coordinating Council. This council is modeled after the council required at the state level. Waupaca County has created a committee that piggybacks the CCOP Committee.

Current Number of Citizen Members and Costs if Each Paid a Per Diem

Committee	Citizen Members	Cost Per Member	Cost Per Meeting	Meetings Annually	Total Annual Committee Cost
Aging	5	\$70.00	\$350.00	12	\$4,200.00
Nutrition	4	\$70.00	\$280.00	12	\$3,360.00
ADRC Regional	1	\$70.00	\$70.00	4	\$280.00
Transportation	6	\$70.00	\$420.00	4	\$1,680.00
CCS/CST	3	\$70.00	\$210.00	6	\$1,260.00
CCS Regional	1	\$70.00	\$70.00	4	\$280.00
B-3/C-COP	7	\$70.00	\$490.00	4	\$1,960.00
Total					\$13,020.00

There are apparently three vacant positions on the Nutrition Advisory Council when filled would increase the per meeting and annual committee costs.

Requested Board Action (February Meeting)

It is requested that the DHHS Committee/Board provide guidance on next steps desired in moving through this process.

Recommended DHHS Board Action (Current)

The following are recommendations for the DHHS Board to consider for its internal department operations as well as recommendations to be provided to the county's LJESS Committee:

Possible Recommendations to the LJESS Committee

It is recommended that the following language be considered for inclusion with County Ordinance 2.13:

- That citizen members of all DHHS advisory and program steering committees and commissions shall be considered volunteers and any compensation provided to volunteers shall be at the discretion of the DHHS Board.

Note: This recommendation has been reviewed by the Corp Counsel and is fine to move forward.

Recommended for the Internal Operations of the DHHS

- That all citizen members of the earlier noted committees providing input to DHHS programs be considered volunteer positions that are not subject to the Per Diem compensation discussed in County Ordinance 2.13.
- That all citizen members/volunteers of the committees providing input into DHHS programs, if requested, be provided mileage reimbursement in accordance with the current IRS guidelines.
- That the such committees having citizen members/volunteers providing input to DHHS services be “reestablished” in a way that defines the set number of citizen members on each committee and specific term limits of members. To that end, the following is recommended:

Committee	Recommended Number	Terms	Years Per
	Citizen Members	Allowed	Terms
Aging	3	2	3
Nutrition	3	2	3
ADRC Regional	1	2	3
Transportation	3	2	3
CCS/CST	2	2	1
CCS Regional	1	2	1
B-3/C-COP	4	2	3

Note: All but the CCS/CST committees have statutorily set terms. The CCS/CST terms are recommended.

- That the members of the above “reestablished” committees be presented at the May DHHS Board meeting for reassignment to their agreed to committees that will then be moved on the County Board of Supervisors for approval. Included with the assignments will be a plan for staggering terms so not all citizen member appointments expire at the same time.