Public CAA Essentials

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Webinar Control Panel

Agenda

- Governing law
- Tripartite board
- Role of public CAA in local government
CAPLAW Training Module

http://www.caplaw.org/resources/trainingmodules.html

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Governing Law

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Laws and Guidance

Federal Community Services Block Grant (CSBG) Act
- States primarily responsible for grant administration

Federal Block Grant Regulations
- 42 C.F.R. Part 96

Information Memoranda (IMs)
- Non-binding guidance
- Example: Information Memorandum #82 (CSBG IM #82)

Laws and Guidance

State CSBG Laws
- Legislation (or “statutes”)
- Regulations
- Policies issued by the state
- State's interpretation of the Federal CSBG Act controls as long as it is not “clearly erroneous”

Local Government Laws
- Laws that specifically govern the way in which the local gov’t in which the Public CAA is housed (or associated with) functions
Laws and Guidance

Organizational Standards

• Developed by the CSBG Organizational Standards Center of Excellence (COE)
• Published in IM 138
• For FY2016, OCS has the authority to require states to adopt the standards (P.L. 114-113, Div. H, Title II)

Uniform Guidance

Application to the CSBG Act

• “Cost and accounting standards” applied to CAAs
• OMB circulars NOW the Uniform Guidance (aka, “Super Circular” or “Omni Circular”)

– 42 U.S.C. § 9916(a)(1)(B)

Uniform Guidance Contents:

• Administrative requirements
• Cost principles
• Single Audit Act requirements
Laws and Guidance

Grant agreements and contracts between state and public CAA may address:

- Amount of funds awarded
- Scope of work
- Performance goals
- Monitoring and reporting
- Payment methods
- Access to records
- Enforcement actions

Quiz #1: Governing Laws

Which of the following federal law(s) and regulation(s) govern public CAAs? (Select all that apply)

a) IM138, CSBG Organizational Standards
b) HHS block grant regulations
c) Federal cost principles in the Uniform Guidance
Tripartite Boards

Composition

Another mechanism:
- Specified by the state
- Assures decision making and participation by low-income individuals in the CSBG programs

- 42 U.S.C. § 9910
Tripartite Boards
CSBG Organizational Standards

Standard 5.1: Public

• The department’s tripartite board/advisory body is structured in compliance with the federal CSBG Act

Board Self-Training Tool

http://caplaw.org/resources/PublicationDocuments/CSBGTrainingToolsforPublicCAABoards.html
Selection of Tripartite Board

Tripartite board to be selected by “eligible entity”

- Eligible entity is the local governing body unless the body delegates its responsibility to the tripartite board
- If local governing body retains authority to select board, the tripartite board can make recommendations to governing officials

Public Sector

Type of public official

- Federal CSBG Act not address type of public official or his/her representative that a CAA must select to serve on its board

Recommendation:

- Since governing officials of city/county often already have input (and in many cases, final say) on decisions affecting CAA, consider including other public officials on tripartite board
Public Sector

CSBG Act says “holding office at time of selection”

- OCS IM 82 recommends that public officials serve only while they are in office

Recommendation

- Have specific terms rather than permitting public officials to stay on the board as long as they are in public office

Low-income Sector

- Must be representative of low-income individuals and families in service area
- Must live in service area
- Must be able to participate actively in development, planning, implementation and evaluation of CSBG programs
Low-Income Sector
CSBG Organizational Standards

Standard 5.2 Public

- The department’s tripartite board/advisory body has written procedures that document a democratic selection process for low-income board members adequate to assure that they are representative of the low-income community or another state-specified mechanism.

Recommendation

- Unless required by state CSBG laws to do so, don’t put written procedures for democratic selection process in bylaws. Create a separate document, referred to in the bylaws and approved by board.

Type of Low-Income Sector Member

- Should represent current low-income residents, but don’t need to be low-income themselves.

Recommendation

- Have at least some, if not all, low-income board members who are low-income themselves.
Low-Income Sector

Democratic selection options:
- Community health center board
- Tenants association
- Faith-based group
- PTA
- Policy council

Micro-democratic election procedure:
Group predominately made up of low-income individuals may elect someone from within the group to serve as the low-income rep.

— OCS IM 82

Private Sector
Individuals or Groups

“...or other major groups and interests in community”

Business
Industry
Religious
Housing
Education
Labor

“Shall be officials or members of groups such as ...”

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Quiz #2: Tripartite Board

The local governing body selects tripartite board members unless it has delegated this responsibility to the board.

True or False?
Public CAA Bylaws

• Most public CAA tripartite boards have either bylaws or some type of governing document similar to bylaws

• In general bylaws serve as an operating manual for the board

Bylaws typically cover issues like . . .

Committees
Officers
Board size
Composition and selection
Board member terms
Board meeting procedures
Powers of Public CAA Board

- Public CAA board powers depend on the authority delegated to it by the local governing body.

- Generally some type of official document sets forth delegation of power between the local governing body and the tripartite board.

Examples of official delegation of authority documents:

- County or city ordinances
- County resolution and bylaws approved by the county commissioners
- Community participation plan
- Delegation of powers agreement by the county supervisors
Board Role & Responsibilities

CSBG program shall be administered by a board (or other mechanism) that assures decision making and active participation by low-income individuals in the program:

- Development
- Planning
- Evaluation
- Implementation

• IM 82 offers guidance on how a tripartite board may fulfill its responsibilities
• An administering board, not merely advisory
• Check state CSBG/community action laws, regulations, policy manuals and grant contracts

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Development of CSBG Program

A tripartite board fully participates by:

- Acting as a key player in *needs assessments*
- Being a **primary source of information** and insight about the community served
- **Clarifying the mission** of the organization

- IM 82

Planning of CSBG Program

**Board participates in the long-term & short-term strategic planning**

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<td>Identify broad goals</td>
<td>Identify yearly goals</td>
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<td>Mobilize programs and</td>
<td>Help establish performance</td>
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<td>Establish and maintain</td>
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Implementation of CSBG Program

A tripartite board’s role includes:

- **Staying informed** of CAA programs and activities throughout the year
- **Tracking progress** toward milestones
- **Receiving financial info.** and monitoring CAA’s finances
- **Overseeing compliance** with funding source rules
- **Being involved** in preparing for and responding to monitoring reports

- IM 82

Implementation of CSBG Program

Relationships with public and private community orgs help achieve results

- Elected officials may **identify public resources and programs** and facilitate communications with them
- Reps of critical community interests may **identify sources of support** for clients
- All may **advocate** to increase or preserve needed services and programs

- IM 82
Evaluation of CSBG Program

• Board actively participates by:
  • Obtaining info on actual changes or improvements in clients and community as result of CAA’s programs and activities
  • Comparing outcomes with performance expectations developed during planning process
  • Overseeing data gathering for ROMA and similar evaluation for other grants

- IM 82

Board Role & Responsibilities

Standard 6.1: Public
• Dept’s strategic plan or comparable planning doc. has been reviewed and accepted by board within past 5 yrs. If none exists, the board will develop one.

Standard 6.5: Public
• Board received an update(s) on progress meeting goals of the strategic plan/comparable planning doc. within the past 12 mos.

Standard 8.5: Public
• Dept’s board notified of any findings related to CSBG funding.
Role of the Chief Staff Person

• Similar to a nonprofit CAA executive director
• The position performs duties such as:
  – Implements decisions
  – Oversees CAA’s daily operations
  – Works closely with and reports regularly to tripartite board

Quiz #3: Board Powers

The powers of the public CAA tripartite board depend on the authority delegated to it by the local governing body

True or False?
Quiz #4: Board Powers

The federal CSBG Act details the delegation of powers between public CAA tripartite boards and local governing bodies.

True or False?

Engaging the Tripartite Board

Examples of how to engage the board:

1. Regularly Schedule meetings
2. Include discussions of quarterly reports and financial status
3. Involve board in decisions about subcontracts and allocation levels
## Engaging the Tripartite Board

### Examples of how to engage the board:

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<td>4. Establish action items on a variety of issues</td>
<td>5. Review funding applications &amp; recommend awards</td>
<td>6. Oversee subgrantee performance</td>
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### Create Meaningful Meetings

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<td>Board chair &amp; executive committee help set agenda</td>
<td>Distribute mtg minutes, committee reports, financial info. before mtg</td>
<td>Discuss critical issues facing CAA</td>
<td>Encourage active participation</td>
<td>Permit removal when certain # of mtgs missed</td>
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Role of Public CAA in Local Government

Functioning Within Local Government

CAA location within local government may vary

- Division, department, quasi?

CAA functions vary:

- May oversee the issuing of grants to nonprofits
- May act as a direct provider of services
Subgrantee Legal Considerations

Pursuant to the Uniform Guidance, a public CAA is responsible for:

- Entering into a subgrant agreement specifying certain terms
- Managing a subgrantee's performance
- Monitoring the subgrantee
- Documenting a subgrantee's expenditures

Recommendation

- Watch CAPLAW's webinar, “Nuts and Bolts of Subgrant Agreements,” at www.caplaw.org

Quiz #5: Subgrants

If a public CAA delegates its CSBG program to local nonprofits, it is not held accountable for those CSBG activities.

True or False?
Take Advantage of Public CAA Status

Some examples include:

- Receiving in-kind support
- Partnering with other entities
- Managing and monitoring county resources
- Leveraging CSBG funds with CDBG funds from HUD
- Establishing multi-county joint powers agreement
- Forming a separate 501(c)(3)

Challenges Facing Public CAAs

- Funding cuts
- Educating
- Misperception on funding needs
- Bureaucracy
Benefits of Being a Public CAA

- Easier to provide, and coordinate with, services within the community
- Access to insurance coverage, accounting and legal departments, payroll
- Accountability process in place helps keep fiscal system intact
- Lower administration and overhead costs

Ways to be a Useful and Effective Public CAA

1. “Use “ADMINISTERING” vs. “Advisory” to describe the Community Action Board.
2. Negotiate for authoritative position of administrator in government organization.
3. Identify “niche” activities for the agency beyond pass-through role.
4. Create opportunities for board and staff to interact with target population.
5. Seek annual meeting of the governing and administering boards to achieve shared vision.”

- From Lois J. Carson, Former Public CAA Executive Director
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