County of Los Angeles
DEPARTMENT OF PUBLIC SOCIAL SERVICES
12860 CROSSROADS PARKWAY SOUTH • CITY OF INDUSTRY, CALIFORNIA 91746
Tel (562) 908-8400 • Fax (562) 908-0459

PHILIP L. BROWNING
Director

SHERYL L. SPILLER
Chief Deputy

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

18 AUGUST 11, 2009

SACHI A. HAMAI
EXECUTIVE OFFICER

Board of Supervisors
GLORIA MOLINA
First District
MARK RIDLEY-THOMAS
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ZEV YAROSLAVSKY
Third District
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Fourth District
MICHAEL D. ANTONOVICH
Fifth District

August 11, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

RECOMMENDATION TO APPROVE THE REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ACTION BOARD, THE DEPARTMENT OF PUBLIC SOCIAL SERVICES, AND THE LOS ANGELES COUNTY BOARD OF SUPERVISORS (ALL DISTRICTS - 3 VOTES)

SUBJECT

Approve and instruct the Chairman, to sign the attached revised Memorandum of Understanding (MOU) between the Community Action Board (CAB), the Department of Public Social Services (DPSS), and the Los Angeles County Board of Supervisors.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Chairman, to sign the attached revised MOU between the CAB, DPSS, and the Los Angeles County Board of Supervisors.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The CAB is a mandated oversight board under federal law and generally oversees the implementation of the various social service poverty programs funded with the County's Community Services Block Grant (CSBG) allocation. The CAB conducts public hearings and community needs assessments, evaluates program effectiveness, establishes program priorities, and develops funding recommendations to be submitted to your Board. The CAB was established by Board Order No. 107 on December 18, 1979, and serves as your Board's 15-member advisory body for the CSBG program. Per the instruction of your Board, DPSS administers the CSBG program for which Los Angeles County serves as a State recognized local Community Action Agency (CAA).

In response to an investigation of the CAB by the Auditor-Controller (A-C), the A-C, in a report dated February 11, 2005 recommended, among other things, that an MOU be developed between the CAB, DPSS and your Board in order to define the roles and responsibilities of each. The original MOU was approved by your board on April 18, 2006.

The CAB is now proposing revisions to the MOU which include minor grammatical changes and the following two major changes:

1) Revisions referencing that you, the CAA Governing Body, transferred the responsibility to the Chief Executive Office (CEO) to approve all CAB's travel outside of the State of California. This statement is in accordance with County Code Section 5.40.132.

2) Changes to the Chairperson's term limits which state that the Chairperson and officers shall be elected annually by CAB members to serve increments of one-year terms. The original MOU stated that the Chairperson of the CAB shall be elected annually to serve a one-year term with the Vice-Chairperson elected at the same time to serve the second year. This was also a recommendation in the A-C's February 11, 2005 report.

The CAB unanimously supports the above changes and feels that this will allow them to make the best decisions about their leadership needs on an annual basis. Although elections will continue to be held once a year the recommended change will not have a limit on the number of times a person can serve as the Chairperson of the CAB. The current one-year term limit does not allow for continuity and does not address the fact that there are only a few members that have the time and inclination to take on senior leadership roles.

The CAB has made several improvements in its organization with the goal of increasing participation by at-large CAB members and to encourage new leadership. Samples of some of the improvements implemented by the CAB are listed below:

- All CAB members now serve on at least one standing and/or ad-hoc committee.
- The CAB developed a Strategic Plan identifying a clear set of goals. CAB members were asked and volunteered to serve as "Strategic Plan Goal Leader" in their areas of interest.
- CAB members who have not yet attended Community Action and/or CSBG related conferences and workshops are always encouraged to attend and given preference.

- Revised its by-laws to allow CAB members interested in running for an Executive office to nominate themselves, thereby ensuring that no CAB member who would like to serve as an elected officer is excluded.

The attached revised MOU has been approved by the CEO, County Counsel and the A-C.

Implementation of Strategic Plan Goals

The recommended action is consistent with the principles of the Countywide Strategic Plan, Goal 5: Children and Families' Well-Being, as measured by achievements in the five outcome areas adopted by your Board: good health, economic well being, safety and survival, social and emotional well being, and education/workforce readiness. This project will have a positive impact on the economic well being of the low-income population in Los Angeles County.

FISCAL IMPACT/FINANCING

There will be no fiscal impact on the County general fund for the recommended actions as the CSBG program is fully financed by Federal appropriations. There is no impact on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On February 11, 2005, the A-C submitted to your Board the results of its investigation regarding a series of allegations of CAB improprieties. As part of the corrective action plan, the Auditor's report recommended developing an MOU between the CAB and your Board that would clearly define the roles and responsibilities of each, as well as set forth any other powers delegated by your Board to either the CAB or DPSS.

Your Board authorized the establishment of the CAB effective April 23, 1980 (Board Order No. 107 of December 18, 1979, Board Order No. 11 of January 3, 1995, Board Order No. 17 of October 1, 1996, and Board Order No. 63 of February 4, 2003.)

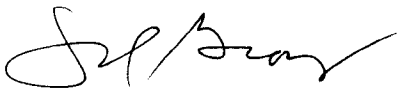
IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended action will allow the County and the CAB to more effectively continue to oversee the implementation of a variety of social service poverty programs for disadvantaged residents of Los Angeles County by clearly defining the responsibilities of each party to the MOU. CSBG funded services will continue to be provided to low-income residents in all Supervisorial Districts of Los Angeles County through a CSBG network of 66 non-profit agencies.

CONCLUSION

Upon Board approval, the Executive Officer, Board of Supervisors, is requested to return one adopted stamped Board Letter and one original signed copy of the MOU to the Director of DPSS.

Respectfully submitted,



Philip L. Browning
Director

PLB:sb

Attachment

c: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Community Action Board

MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ACTION BOARD, THE DEPARTMENT OF PUBLIC SOCIAL SERVICES, AND THE LOS ANGELES COUNTY BOARD OF SUPERVISORS FOR COMMUNITY SERVICES BLOCK GRANT PROGRAM

This Memorandum of Understanding (MOU) is entered into this 11th day of August, 2009, by the Los Angeles County Community Action Board (hereinafter referred to as "CAB"), the Department of Public Social Services (hereinafter referred to as "DPSS"), and the Board of Supervisors of the County of Los Angeles (hereinafter referred to as "the Board of Supervisors").

WITNESSETH

WHEREAS, on December 14, 2004, the Los Angeles County Board of Supervisors transferred the administration of the Community Services Block Grant (CSBG) Program and the Community Action Agency (CAA) to DPSS, effective April 1, 2005; and

WHEREAS, the purpose of the Community Services Block Grant (CSBG) Program is to assist low-income families and individuals to achieve economic self-sufficiency through a variety of programs and services, including employment services, counseling and education, housing assistance, emergency services, nutrition, linkages to other programs, and health related services.

WHEREAS, the Economic Opportunity Act (EOA) of 1964 created the Community Action Program and authorized funding of a network of Community Action Agencies (CAAs) throughout the country for provision of human services to low-income families and individuals. Pursuant to the EOA, the Board of Supervisors serves as the chief elected official as the local grant recipient for the grant funds allocated to the CAA under the Act.

WHEREAS, all CAA services and CAB activities shall be provided in accordance with all applicable Federal and State laws and regulations, including, but not limited to: The CSBG Act, 42 U.S.C. §§9901 et seq., and 45 Code of Federal Regulation (CFR) Part 96; the California CSBG Program, Government Code §§12725 et seq., and Title 22, California Code of Regulations (CCR), §§ 100601 et seq.; and the Single Audit Act, 31 U.S.C. §§ 7301 et seq., and Office of Management and Budget (OMB) Circular A-133 and its appendices and supplements.

WHEREAS, in accordance with State and Federal laws and regulations, Los Angeles County has established itself as a State recognized CAA. Los Angeles County has established a tripartite board to provide oversight and advise the County regarding the activities of the CAA. DPSS is in charge of providing program administration. The CAB serves as this tripartite board. The program will be administered through a broadly representative CAB under the County's governing officials hereinafter referred to as the "Governing Body." The Governing Body is the

Los Angeles County Board of Supervisors. The Los Angeles County Board of Supervisors, acting as the Governing Body, is final authority regarding program policies, plans, and priorities.

WHEREAS, the CAB has a prominent role in planning, developing, and evaluating all programs conducted by the CAA. This is of particular importance regarding the efforts to involve the poor and enhance their opportunities to become self-sufficient. The CAB continues to make funding recommendations assisting low-income people residing in the First, Second, Third, Fourth, and Fifth Supervisorial Districts.

WHEREAS, the Board of Supervisors has delegated to DPSS the responsibility of providing administrative support to the CAB to conduct its routine and day-to-day operations.

WHEREAS, the Executive Director is selected by the DPSS Department Head with the concurrence of the CAB.

WHEREAS, the Los Angeles County CAA's organizational structure shall consist of five fundamental components: (1) the Governing Body (Los Angeles County Board of Supervisors); (2) the administering agency (DPSS), including, but not limited to, the Executive Director; (3) the CAB; (4) the community-based organizations; and (5) the citizens.

NOW, THEREOF, for and in consideration of the foregoing, the parties do hereby agree as follows:

SECTION 1. Purpose/Definitions.

(a) The purpose of this MOU is to establish a framework for the administration of the CSBG.

(b) The headings herein contained are for convenience and reference only and are not intended to define the scope of any provision thereof. Except as otherwise expressly provided in this MOU, all terms and phrases shall have the same meaning as set forth in the CSBG.

SECTION 2. CAB – Responsibilities.

(a) In order to further its mission, the CAB must involve three significant groups from the community in its organizational framework. In accordance with State and Federal law, representatives of the low-income sector, the public sector, and the private sector shall sit on the CAB, which is required as an essential part of the Community Action process. The CAB shall have broad advisory powers and responsibilities as well as any other powers, as determined and delegated by the Governing Body.

(b) The CAB shall consist of a tripartite Board with 15 members:

(1) Public Representatives -- one appointee from each member of the Board of Supervisors;

(2) Low-Income Sector Representatives -- five representatives of the low-income sector, and;

(3) Private Sector Representatives -- five representatives of the private sector groups concerned with the problems of poverty in Los Angeles County.

(c) The selection process is as follows:

(1) Public Representatives. One-third of the CAB members shall be appointed representatives of each of the five County Board of Supervisors. Each Supervisor may appoint one representative.

(2) Low-Income Sector Representatives. One-third of the members of the CAB shall represent the concerns, opinions, and voices of low-income individuals. Each representative of the low-income sector shall be chosen in accordance with democratic procedures that ensure representation of people in poverty in each Supervisorial District in the areas served by the County CAA.

(3) Private Sector Representatives. One-third of the CAB shall represent the private sector. These representatives of the private sector shall be selected by the members of the CAB from organizations broadly representing the community in the following areas: education, business, industry, labor, private social service, religion, welfare, and other.

(d) The CAB shall:

(1) Establish records of processes for planning, allocations and public hearings regarding the use of Community Action funds.

(2) Establish an annual budget.

(3) Establish selection procedures and membership composition standards for itself, and necessary modifications thereof.

(4) Review policies relating to program monitoring and the accountability of the CAA, and recommend to the Board of Supervisors the adoption of such changes of policies as it deems necessary and desirable.

(5) Establish an appeals process providing recourse to providers seeking relief in connection with disputes with the CAA administration. CAB members shall participate in the appeals process.

(6) Select its own officers and committees.

(7) Participate in the development and implementation of all programs and projects designed to serve the poverty community of low-income areas. These programs and projects shall be recommended to the Board of Supervisors.

(8) Be established and organized such that the poverty community and residents of the areas of concern be enabled to influence the character of programs affecting their interests and regularly participate in the planning and implementation of those programs; and be a continuing and effective mechanism for securing broad community involvement in the programs assisted.

(9) Hold monthly meetings.

(10) Report quarterly to the Board of Supervisors on all approved actions by the CAB, including any change in membership. Quarterly reports will be approved by the CAB prior to being sent to the Governing Body, County Counsel, the Auditor-Controller (A-C), and DPSS. Moreover, these reports will be signed by the current CAB Chair.

(11) Present to the Board of Supervisors recommendations on all major program issues (including, but not limited to, anything that may require the Governing Body's approval, such as legislation).

(12) Establish annual program priorities and review and approve annual plans for the conduct of the program.

(13) Participate actively in the development, planning, implementation, and evaluation of programs funded by the United States Department of Health and Human Services Administration for Children and Families, Office of Community Services or be subject to removal.

(e) The Chair and other officers shall be elected annually by the full CAB to serve increments of one-year terms.

(f) The CAB cannot endorse any political party or person. These policies and procedures on this will be set forth in the by-laws of the CAB.

(g) The CAB must concur in the selection of the Executive Director.

(h) All terms of the CAB by-laws are incorporated by reference into this MOU.

SECTION 3. Governing Body (Board of Supervisors) – Responsibilities.

(a) The Los Angeles County Board of Supervisors is the governing body of the Los Angeles County CAA. The Board of Supervisors shall:

(1) Make all final decisions, including, but not limited to those regarding the conduct and administration of the Los Angeles County CAA.

(2) Link the resources of local government directly to programs that serve the needs of the low-income persons in their communities. The Board of Supervisors has high visibility, authority, and acceptance among the residents of Los Angeles County. This promotes trust and stability in CAA programs. The Board of Supervisors can mobilize resources, increase accessibility of programs, promote co-participation of cities and unincorporated areas and coordinate the planning and conduct of human services throughout the County. In addition, the Board of Supervisors has contact, access, and input concerning regional and national activities on the war on poverty and all related human services.

(3) The Board of Supervisors will work together with the CAB in setting overall policies concerning the CAA. In relation to this, the Board of Supervisors will have specified responsibilities including, the review and approval of the CAB's positions and recommendations on grant proposals and budgets, matters requiring legal actions, and decisions on policies and programs affecting the administration of the CAA.

(4) The powers of the Board of Supervisors include:

(a) Final determination of major personnel, fiscal, and program policies;

(b) Final approval of program plans and funding priorities for the CAA;

(c) Final approval of program proposals and budgets;

(d) Enforcement of compliance with all conditions of United States Department of Health and Human Services Administration of Children and Families, and Office of Community Services Grants;

(e) Delegate to the CEO the approval of all CAB travel outside the state of California; and

(f) Authorize or delegate to DPSS, the administration of the program and the resolution of any disputes arising from the administration of the program.

(5) These governing powers shall not be subject to concurrence, veto, or modification by any others, including but not limited to, the CAB or DPSS, unless the Board of Supervisors chooses to delegate them.

SECTION 4. Executive Director – Responsibilities.

(a) One of the most important concepts conveyed by agencies that have well-functioning relationships between their tripartite board and Executive Director is that one point of contact is charged with carrying out the tasks assigned by the CAB. The Executive Director is the chief administrator of the CAA, whose primary responsibility under the direction of the Board of Supervisors, or its delegate, is to assist the CAB in performing its functions and administering the staffing, planning, monitoring, fiscal contract compliance, and other responsibilities of the CAA.

(b) All correspondence and inquiries regarding this MOU shall be forwarded to the Executive Director:

Department of Public Social Services
Community Services Block Grant Program
12900 Crossroads Parkway South, East Bldg.
City of Industry, California 91746
Attn: Executive Director

SECTION 5. Department of Public Social Services – Responsibilities.

(a) The Board of Supervisors shall delegate the following day-to-day operations to DPSS:

(1) Supervise the administration of all CSBG policies and standards, programs, administrative and financial policies, and rules adopted by the Board of Supervisors.

(2) Present to the Board of Supervisors its recommendations on all major policies, personnel and administrative issues; and prepare reports and recommendations for CSBG administration on every application for grant funds.

(b) DPSS has developed a number of broad objectives and strategies for countywide planning and implementation of programs for the provision of human services. These strategies have been translated into policy directives that coordinate and lead the department's community action activities towards long-term self-sufficiency. To achieve this purpose, all of the various program goals are designed:

(1) To more deliberately integrate program services;

(2) To identify target areas and target populations of greatest need in which the effects of program integration can best be measured;

(3) To establish linkages between community action projects and other departmental program resources that will improve the living conditions for the eligible poor; and

(4) To develop a process of citizen participation that complements the planning requirements of each of the department's funding sources.

(c) CAA activities will be operated through primary units in DPSS' Program Sections; Planning, Operations, Fiscal, and Contract Management. A secondary support system is already in place including: A-C, County Counsel, Internal Services Department, Chief Information Office, etc. In general, services for the program will be provided by those who are most knowledgeable in the county system.

(d) Expenses, payment, and accounting for CAB related expenditures shall be in accordance with the general policies and procedures outlined in the County Fiscal Manual. CAB operations-related expenditures shall be budgeted annually.

SECTION 6. Resolution of Issues. The Board of Supervisors delegates the responsibility of resolution of issues regarding interpretation of this MOU to the Executive Director. If not satisfactorily resolved, issues will then be reviewed by the Director of DPSS, whose decision will be final.

SECTION 7. Term.

(a) The term of this MOU shall coincide with the date of the sunset review conducted by the Los Angeles County Department of the A-C. Thereafter, this MOU shall be renewed upon positive recommendation by the A-C regarding the sunset review.

(b) This MOU may be terminated by the Board of Supervisors, in its sole discretion and upon written notice, for events, including, but not limited to the following:

(1) The CAA fails to receive certification as set forth under the provisions of the CSBG.

(2) The CAB is reconstituted or otherwise reorganized in accordance with the provisions of EOA or other federal legislation.

(3) The CSBG is not reauthorized.

(4) Malfeasance by the CAB.

SECTION 8. Amendments. The CAB, the Board of Supervisors, or DPSS, may propose amendments at any time during the term of this MOU by providing the other party with written notice defining the specifics of the proposed amendments.

SECTION 9. Integration. This MOU constitutes the entire understanding and agreement among the parties and supersedes all previous negotiations, understandings, and preliminary agreements, either written or oral.

SECTION 10. Severability. If any portion of this MOU is held invalid to any extent, the remaining provisions shall maintain their full force and effect.

IN WITNESS WHEREOF, the County of Los Angeles and the Los Angeles County Community Action Board have caused this MOU to be executed on their behalf by their duly authorized representatives.

LOS ANGELES COUNTY
COMMUNITY ACTION BOARD

By _____
Chair, Los Angeles County
Community Action Board

BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES

By _____
Chairman, Board of Supervisors

ATTEST: SACHI A. HAMAI
EXECUTIVE OFFICER
CLERK OF THE BOARD OF SUPERVISORS

By _____, Deputy

DEPARTMENT OF
PUBLIC SOCIAL SERVICES

By _____
Philip L. Browning, Director

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#18 AUG 11 2009

SACHI A. HAMAI
EXECUTIVE OFFICER