



Human Welfare and Community Action Commission

AGENDA

Wednesday, January 27, 2016

7:00 PM

South Berkeley Senior Center, 2939 Ellis St. (Corner Ellis/Ashby)
Berkeley, CA 94703

Preliminary Matters

1. Roll Call
2. Public Comment

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

3. Approve Minutes from the 11/18/2015 Regular Meeting (Attachment A)
4. Review CSBG Desk Review Monitoring Report (Attachment B)
5. Update on Filling Vacancies Among the Elected Representatives for the Poor
6. Review Draft CSBG Tripartite Board Proposed Restructuring (Attachment C)
7. Commission Process Improvement Resolution (Sood) (Attachment D)
8. Berkeley Community Services Fund Resolution (Sood) (Attachment E)
9. Update on Air Quality in West Berkeley (Attachment F)
10. Review Safe-Act Council Report
11. Discuss Impacts of Coal Exportation on the City of Berkeley's Communities
12. Discuss Possible Action Regarding the Rising Cost of Berkeley's Residential Water Bills
13. Review Latest City Council Meeting Agenda (Attachment G)

Adjournment

Attachments

- A. Draft Minutes of the November 18, 2015 Meeting
- B. CSBG Desk Review Monitoring Report
- C. Draft CSBG Funding and Tripartite Board Re-organization
- D. Commission Process Improvement Resolution
- E. Berkeley Community Services Fund Resolution
- F. Final Status Report on West Berkeley Industry
- G. Review City Council Meeting Agenda at City Clerk Dept. or <http://www.cityofberkeley.info/citycouncil>

Communications

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Housing and Community Services Department located at 2180 Milvia Street, 2nd Floor.

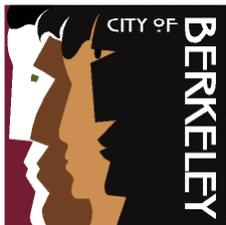
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**

Secretary:

Wing Wong
Health, Housing & Community Services Department
510-981-5428
wywong@CityofBerkeley.info

Mailing Address:

Human Welfare and Community Action Commission
Wing Wong, Secretary
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704



Human Welfare and Community Action Commission

DRAFT MINUTES

Wednesday, November 18, 2015

7:00 PM

South Berkeley Senior Center, 2939 Ellis St. (Corner Ellis/Ashby)
Berkeley, CA 94703

Preliminary Matters

1. Roll Call: 7:05
Present: Dunner, Bookstein, Sood, McMullan, Browne (7:20), Omodele, Fishman, Olivieri, Cross.
Absent: Magofna, Flanders, Trigueros
Quorum: 7
Staff Present: Kristen Lee, Raquel Molina
2. Public Comment (Non-Agenda): 0

Update/Action Items

The Commission may take action related to any subject listed on the agenda, except where noted.

3. Approve Minutes from the 9/16/15 Regular Meeting and the 10/21/15 Regular Meeting
Action: M/S/C (McMullan/Fishman) to approve the 9/16/15 minutes as submitted and the 10/21/15 minutes with the following revisions to Item No. 5: 1) Indicate that Commissioner Sood's request was to submit additional material for discussion and 2) The number of speakers be listed with the item for clarity.
Vote: Ayes – Dunner, Bookstein, Sood, McMullan, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Browne, Flanders, Trigueros
4. Approve The 2016 Community Services Block Grant (CSBG) Contract
Action: Presentation made by staff member Kristen Lee. M/S/C (McMullan/Dunner) to approve the Community Services Block Grant approved as presented.
Vote: Ayes - Dunner, Bookstein, Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Flanders, Trigueros
5. Implementation of Tier One Recommendations from the Homeless Task Force- Genevieve Wilson
Action: Presentation made by Genevieve Wilson. M/S/C (McMullan/Browne) to send a memo to Council in support of Councilmember Arreguin's November 3, 2017 council report (Item No.18).
Vote: Ayes - Dunner, Bookstein, Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Flanders, Trigueros

6. Adoption of 2016 HWCAC Meeting Schedule (D)
Action: M/S/C (Fishman/Omodele) to adopt the 2016 HWCAC meeting schedule as submitted.
Vote: Ayes - Dunner, Bookstein, Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Flanders, Trigueros
7. Selection of Low Income Representative by Remaining Representatives of the Poor- Davila
Action: Acting alone, the remaining members of the low income representatives, commissioners Olivieri and Cross, reinstated Cheryl Davila to the HWCAC as a Representative of the Poor (District 1) pending City Council confirmation.
Vote: Ayes – Olivieri, Cross; Noes – None; Absent - Trigueros
8. Commission Process Improvement Resolution (Sood)
Action: M/S/C (Cross/Sood) to approve the resolution submitted by Commissioner Sood with the following revision: removal of the “whereas clause” referring to the “representatives of the poor”. Accompanying council report will be drafted by Commissioner Sood and submitted for review.
Vote: Ayes – Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – Dunner, Bookstein; Absent – Magofna, Flanders, Trigueros
9. Berkeley Community Services Fund Resolution (Sood) (F)
Action: Resolution reviewed. M/S/C (Dunner/Olivieri) to bring item back for further discussion at next meeting.
Vote: Ayes – Dunner, Bookstein, Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Flanders, Trigueros
10. Review Safe-Act Council Report (Flanders)
Continued to next meeting.
11. Discuss Impacts of Coal Exportation on the City of Berkeley’s Communities
Item removed from agenda.
12. Discuss Possible Action Regarding the Rising Cost of Berkeley’s Residential Water Bills
Continued to next meeting.
13. Discuss and Approve Two Remaining Topics to be Submitted to the Newly Created UC Berkeley Research Center
Action: M/S/C (Sood/McMullan) to submit the following topic to the UC Berkeley Research Center: Conduct research to ascertain the extent to which the cost of water bills have increased over the past few years in Berkeley.

Vote: Ayes – Dunner, Bookstein, Sood, McMullan, Browne, Omodele, Fishman, Olivieri, Cross; Noes – None; Absent – Magofna, Flanders, Trigueros

14. Update: City Council Item Regarding Berkeley’s Community Commercial Sidewalks and Public Spaces (McMullan)

Action: M/S/F (McMullan/Olivieri) to send a letter to Council amending language in the proposed Sidewalks Ordinance to remove references to defecation/urination and other defaming terms.

Vote: Ayes – Bookstein, McMullan, Browne, Fishman, Olivieri; Noes – Dunner, Sood, Cross; Abstain – Omodele; Absent – Magofna, Flanders, Trigueros

Action: M/S/F (Sood/McMullan) to recommend to Council that the title of the proposed ordinance be revised to use language that promotes personal dignity through the use of respectful language.

Vote: Ayes – Bookstein, Sood, McMullan, Browne, Fishman, Olivieri; Noes – None; Abstain – Omodele, Dunner, Cross; Absent – Magofna, Flanders, Trigueros

15. City Commission Updates: Planning Commission’s Proposal on Payday Lenders; Housing Commission’s Proposal on West Berkeley Air Quality; Commission on Aging’s Report-Annual Meetings of Commission Appointees (Molina)
Updates provided by staff member Raquel Molina.

16. Review Latest City Council Meeting Agenda

Agenda reviewed.

Adjournment

Adjourned at: 9:30

Minutes approved on: _____

Acting Commission Secretary: _____

Raquel Molina



LINNÉ K. STOUT
DIRECTOR

State of California-Health and Human Services Agency
DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT
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EDMUND G. BROWN JR.
GOVERNOR

December 11, 2015

Christine Daniel, City Manager
Berkeley Community Action Agency
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704
SUBJECT: Desk Review Monitoring Report Number C-15-002

Dear Ms. Daniel:

During the week of November 10, 2015 the Department of Community Services and Development (CSD) conducted a Community Services Block Grant Program (CSBG) Desk Review for Berkeley Community Action Agency. Review of the appropriate documents provided CSD the opportunity to analyze the administrative and programmatic operations for CSBG contract number 15F-2001.

Enclosed for your reference is the Desk Review Monitoring Report. If you have any questions regarding this report, please contact me at (916) 576-4372 or Kathleen.walker@csd.ca.gov

Sincerely,

Katie Walker
Field Representative

c: Leslie Taylor, Manager
Field Operations

Mr. Praveen Sood, Chair
Human Welfare and Community Action Commission

2015 DEC 23 PM 3:09
CITY MANAGER

DEPARTMENT OF COMMUNITY SERVICES & DEVELOPMENT
Monitoring Desk Review Report C-15-002

Agency Name: Berkeley Community Action Agency

CSD Field Representative: Katie Walker

Date of Desk Review: November 10, 2015

Date of Report: December 11, 2015

Contracts Reviewed:

Contract Number	Program Term	Contract Amount	Type of Contract
15F-2001	1/1/15-12/31/15	\$250,276	CSBG

Board Governance

Tripartite Board

The Tripartite Board is composed of fifteen (15) members: five (5) from the public sector, four (4) from the private sector, and six (6) from the low income sector. The board roster dated September 15, 2015 indicates that there are three (3) board vacancies in the low income sector since November 2014.

Board Minutes

The Berkeley Community Action Agency submits approved board minutes to the Department of Community Services and Development (CSD) no later than 30 days after the minutes are approved.

The information contained within the board minutes reviewed from January through September 2015 did not provide the field representative sufficient information on fiscal and programmatic data to determine that the Tripartite Board "fully participates in the development, planning, implementation and evaluation of the program" which is a requirement of CSBG is funding.*

Fiscal Review

Expenditure Reports

Contract 15F-2001

A review of the Expenditure Activity Reporting System (EARS) bimonthly expenditure reports from January 1, 2015 through August 31, 2015 indicated that the expenditure reports have been submitted in a timely manner.

Expenditure Progress

Contract 15F-2001

The year-to-date expenditures reported in EARS as of August 31, 2015 indicate that 29.03% of \$250,276 has been expended. The Agency is not on target for expending the funds by the end of the contract term.

Annual Audit

A review of the Audit Services Unit Transmittal Report 14-029 dated May 20, 2015 states that the report did not disclose any findings requiring corrective action.

Program Review

Program Reports

The National Performance Indicator (NPI) Report and Client Characteristics Report have been submitted timely and accurately.

Program Performance

Contract 15F-2001

A review of the Agency's mid-year 2015 NPI report shows that the Agency achieved the following results:

NPI 2.3 A – Agency projected to assist 10. To date, 8 community members have been mobilized by Community Action in community revitalization.

NPI 2.3 B – Agency projected that 90 hours would be donated. To date, 104 volunteer hours were donated to the Agency.

NPI 3.1 – Agency projected 40. To date, 12 hours were donated by low-income individuals.

NPI 3.2 A – Agency projected to assist 4. To date, 3 low-income people have been mobilized as a direct result of a Community Action initiative.

NPI 6.4 E – Agency projected to assist 120 people. To date, 131 low-income people obtained safe and affordable housing.

Observations

Observation 1: Tripartite Board Participation

The Tripartite Board plays a unique and important role in the life of a Community Action Agency. A review of board minutes from January 2015 through September 2015 did not provide the field representative sufficient information on fiscal and programmatic data to determine the Board "fully participates in the development, planning, implementation and evaluation of the program" which is a requirement of CSBG funding. This area should receive greater attention in the future. The Organizational Standards became effective in October 2015 and require that several new items are to be brought to the Board for discussion and/or approval at specified time intervals. These Board decisions/actions will require documentation in board minutes and annual reporting to CSD.

Training and Technical Assistance:

Additionally, CSD recommends that the agency receive training in the development and drafting of board minutes, and board training to assist board members with understanding their roles and responsibilities as an advisory body. CSD will coordinate available training resources to assist the agency.

Findings/Corrective Action

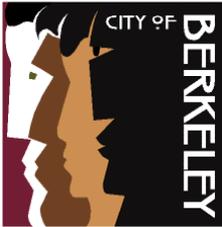
Finding 1: Tripartite Board Vacancies

Corrective Action: There are currently three (3) board vacancies in the low income sector since November 2014.

Report C14-002 is now closed and the remaining vacancies will be tracked under C15-002.

Response Due: To ensure compliance with establishing and maintaining a full Tripartite Board, Berkeley Community Action Agency shall continue to provide a monthly written status report to CSD describing efforts and progress in filling the three (3) board vacancies. An updated board roster and board minutes shall be submitted to CSD as changes occur.

Due Date: The first report is due by January 30, 2016, and each month thereafter by the 30th of each month until the vacancies are filled.



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Human Welfare and Community Action Commission

From: Kristen S. Lee, Manager

Date: January 21, 2016

Subject: Restructuring the Human Welfare and Community Action Commission, serving as the Community Services Block Grant (CSBG) Tripartite Board

Staff will be recommending at its March 8, 2016 meeting that City Council adopt one of two options for the HWCAC:

1. Enter into an agreement with the Alameda County-Oakland Community Action Partnership (AC-OCAP) to partner with the City of Berkeley and administer Community Services Block Grant (CSBG) funding to provide services for low-income individuals and families in Berkeley. The HWCAC would be restructured to become a nine-member Commission focused on the needs of low-income people living in Berkeley; or
2. Re-organize Human Welfare and Community Action Commission (HWCAC) to become a 12-member commission to remain in compliance with CSBG related regulations, and continue to focus on compliance with CSBG requirements and meeting the needs of low-income people living in Berkeley.

Either scenario will require amending B.M.C. 3.78.

The City of Berkeley is designated as a Community Action Agency (CAA), and as such, receives Community Services Block Grant funds (CSBG) which support anti-poverty programs. CSBG funds are part of the federal Department of Health and Human Services (HSS) budget passed through the state to local CAAs. Berkeley is a minimally funded jurisdiction due to its size. Each year the City allocates CSBG, City General Funds, and federal Community Development Block Grant and Emergency Solutions Grant funds to support homeless programs and other services for low-income Berkeley residents. The total amount of funding allocated to Berkeley CAA activities is almost \$1.5 million. Of this amount, \$159,324 in CSBG funds was allocated to Building Opportunities for Self-

A Vibrant and Healthy Berkeley for All

Sufficiency (BOSS), a further \$1.3 million in federal funds and City General Funds were allocated to other homeless programs, and 6% of this total amount was used to administer the funds.

As a CAA, CSBG regulations require that Berkeley have a Tripartite Board, codified in State law¹, and comprised of public sector, private sector, and low-income representatives. The Human Welfare and Community Action Commission (HWCAC) functions as the Tripartite Board of the Berkeley CAA. As such, it is expected to act like the board of a non-profit agency, engaging in activities like appointing an executive director and reviewing financial reports. The HWCAC also has the dual role of acting like the majority of other City Commission. Over the years, this hybrid role has been confusing for Commissioners and results in deficiencies in meeting the CSBG Tripartite Board requirements. Recent changes to the duties and functions of the Tripartite Board have exacerbated these challenges.

Challenge 1: Democratic Elections

As a Tripartite Board, the HWCAC is required to have the following membership: 1) a minimum of one-third must be democratically selected representatives of low-income individuals and families who reside in areas served; 2) one-third must be elected officials, or their representatives, and 3) the remaining one-third must be representatives of major groups and interests in the community. It is important to note that the elected members must represent low income populations but are not required to be low income themselves.

The HWCAC is currently made up of fifteen members, nine of whom are appointed by Berkeley City Council and six of whom are elected representatives from three low-income districts in Berkeley. B.M.C. 3.78 spells out the election process and the process for selecting members between election years. While this process complies with state requirements for democratically selecting members, in practice, elections have been poorly attended, and one year, no voters participated at all despite extensive efforts by staff to publicize the election, including sending notices out to all residents with a housing subsidy. Invariably, low-income representatives are not brought on to the Commission by election, because they are so poorly attended. Candidates most often follow the alternate procedures for filling the six seats by gathering ten signatures of support from low-income people in their district, attending the HWCAC Commission, and presenting information about themselves and their interest in serving on the Commission. The remaining representatives of the poor vote on whether or not to accept the candidate.

Challenge 2: HWCAC Vacancies

In addition, it has been very challenging to fill vacancies. The last year the HWCAC had a full complement of commissioners was 2005. Consequently, vacancies on HWCAC have been noted as “finding” in the past several years when the State Department of

¹ See <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=12001-13000&file=12750-12763>

Community Services and Development conducted audits. Continued findings may jeopardize CSBG funding in future. Monitoring findings make the Berkeley CAA ineligible to receive one-time discretionary awards from the State. A shift to a partnership with AC-OCAP, or a smaller board, with modified requirements for democratic selection, is recommended to avoid future findings.

Challenge 3: HWCAC Role

Beginning in the 1970s, for many decades when the CSBG allocation was much larger, the City of Berkeley used CSBG for a wide range of services. Over the past several decades CSBG funding was reduced nationally and Berkeley became a “minimum funded agency”, i.e. we receive the lowest base level of funding for CAAs. The City chose to concentrate the reduced CSBG funding in a smaller range of agencies to reduce administrative burden on both the agencies and staff. Reporting requirements for agencies receiving these funds are quite extensive and it is difficult for many smaller agencies to provide the data needed to report back to the federal government. Local City funding grew to replace CSBG funding and City General Funds have continued to support the wide range of agencies serving a low-income population. The City currently funds over 50 agencies and over 100 programs.

For over ten years, CSBG funds have been used to fund agencies that provide emergency services for homeless people. The City’s Homeless Commission (which was originally a subcommittee of the HWCAC), reviews homeless funding and homeless services. The HWCAC does not directly review funding for homeless programs, to which CSBG funds are allocated. Again, this is in largely a result of the CSBG funds going to an agency that is large enough to meet the reporting requirements that are tied to CSBG funds. Most of the agencies reviewed by the HWCAC are much smaller and would have a difficult time meeting these standards. For all of the community agencies funded, the mix of federal and local funds are determined to best meet the needs of the funders. The total amount of funding available is not reduced, we are just strategic in which funds support which programs.

New CSBG Organizational Standards (see Attachment 1) require all Tripartite Boards to “fully participate in the development, planning, implementation, and evaluation of programs supported by CSBG funding”. These new standards require that the HWCAC act more like a traditional non-profit board, receiving financial and programmatic reports on the use of CSBG funds at each regular meeting. HWCAC members are required to receive training on duties and responsibilities and updates on progress meeting the goals of a strategic plan.

These new requirements exceed the role of the HWCAC. Currently, the HWCAC primarily advises City Council on funding for services for low-income Berkeley residents, not including homeless funding and services, which are reviewed by the Homeless Commission. This entails reviewing funding applications every two years. Even though

CSBG funding is allocated to BOSS, HWCAC does not have any role in financial and programmatic development and evaluation of BOSS.

Recommendation

In order to stay compliant with CSBG regulations staff recommend that Council either:

1. Direct the City Manager to enter into an agreement with the Alameda County-Oakland Community Action Partnership (AC-OCAP). AC-OCAP would partner with the City of Berkeley and manage Community Services Block Grant (CSBG) funding to provide services for low-income individuals and families. The HWCAC would be restructured to become a nine-member Commission. Or
2. Direct the City Manager to re-organize Human Welfare and Community Action Commission (HWCAC) to become a 12-member commission.

Option 1: Partnership with AC-OCAP

The Alameda County-Oakland Community Action Partnership (AC-OCAP) administers \$1.2 million of CSBG funding for both the County of Alameda and the City of Oakland. Staff recommends that Berkeley's CSBG funding also be administered by AC-OCAP, which has appropriate staffing, infrastructure and a board with decades of experience in CSBG requirements.

It will be stipulated that the current amount of CSBG funding (at least \$159,234) be allocated to provide services for low-income residents in Berkeley through an AC-OCAP Request For Partnership (RFP) process. The City of Berkeley will also have one seat on the AC-OCAP Administrating Board and will be involved in funding, programmatic and administrative decisions. AC-OCAP would be managing Berkeley's CSBG allocation in January 2017. Once the Berkeley CAA joins AC-OCAP, HWCAC is no longer the tripartite board and it will be re-organized as a nine-member commission.

Option 2: Restructure the HWCAC

The City of Berkeley would continue to be a Community Action Agency and manage CSBG funding. Instead of awarding CSBG funding to BOSS, a homeless agency, CSBG funds could be allocated to one of the other community agencies under the review of HWCAC.

HWCAC would be re-organized and decrease in number to become a twelve-member Tripartite Board as required by the State. Four of the twelve seats will be designated as representatives of low-income individuals and families. Staff recommends that the seats for Districts 2, 3, and 4 be designated as low-income seats since they currently have the highest concentration of low-income people in Berkeley. It is also recommended that the fourth seat be the Mayor's appointee. Residents seeking appointment to the low-income

seats do not have to be low-income, but do need to gather at least ten signatures from the residents of their district indicating their support of the candidate in order to qualify for the seat. The remaining 8 seats do not have to be representatives of low-income individuals and families, but they must be chosen from "business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served"². Five of the 8 seats will be appointed by Councilmembers in Districts 1, 5, 6, 7 and 8. The other 3 seats are open to other representatives of other major groups and interests in Berkeley.

Attachments:

1. CSBG IM 138 Organizational Standards

² See <http://www.acf.hhs.gov/programs/ocs/resource/im-no-82-tripartite-boards>

COMMUNITY SERVICES BLOCK GRANT

U.S. Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Division of State Assistance
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

Information Memorandum

Transmittal No. 138

Date: January 26, 2015

TO: State Community Services Block Grant (CSBG) Administrators, U. S. Territory CSBG Administrators, Eligible Entities, and State Community Action Associations

SUBJECT: State Establishment of Organizational Standards for CSBG Eligible Entities under 678B of the CSBG Act, 42 U.S.C. § 9914

RELATED REFERENCES: Community Services Block Grant Act 42 U.S.C. § 9901 *et seq.*, hereafter referred to as “the CSBG Act.”

This information memorandum (IM) provides guidance and describes State and Federal roles and responsibilities for the establishment of organizational standards as a component of a larger performance management and accountability system for CSBG. Consistent with the authority and responsibilities the CSBG Act establishes for the Federal office and States, OCS is requiring States, no later than FY 2016, to establish and report on their organizational standards for CSBG eligible entities as part of an enhanced system for accountability and performance management across the CSBG Network.

While States have discretion on the set of standards they may use, OCS recommends States use the organizational standards (Appendices 2 and 3) developed by the OCS-supported CSBG Organizational Standards Center of Excellence (COE), which reflect the requirements of the CSBG Act, good management practices, and the values of Community Action. These standards will ensure CSBG eligible entities have appropriate organizational capacity to deliver services to low-income individuals and communities.

The guidance in this IM applies to States, the District of Columbia, and U.S. Territories that support CSBG eligible entities. Tribal governments and organizations that receive CSBG directly from the Federal government are not included in this guidance, but will receive future guidance on a separate accountability and reporting process.

State Authority and Responsibility to Establish Organizational Standards

Under the block grant framework established in the CSBG Act, States have both the authority and the responsibility for effective oversight of eligible entities that receive CSBG funds. Section 678B of the CSBG Act (42 U.S.C. § 9914) requires State CSBG Lead Agencies to establish “performance goals, administrative standards, financial management requirements, and other requirements” that ensure an appropriate level of accountability and quality among the State’s eligible entities. In order for States to meet these responsibilities under the CSBG Act,

States must establish and communicate clear and comprehensive standards and hold eligible entities accountable according to the standards as part of their oversight duties.

Federal Authority and Responsibility for Organizational Standards

As the Federal office responsible for oversight of CSBG, the Office of Community Services (OCS) is responsible for monitoring to assure State compliance with the requirements of the CSBG Act and for providing training and technical assistance to help States carry out the requirements of the CSBG Act. Section 678B(c) (42 U.S.C. § 9914(c)) directs the U.S. Department of Health and Human Services (HHS) to conduct evaluations of the use of CSBG funds received by the States. Section 678A(a) (42 U.S.C. 9913(a)) requires HHS to support training and technical assistance activities to assist States in monitoring activities to correct programmatic deficiencies of eligible entities, and for reporting and data collection activities.

Several sections of the CSBG Act provide authority or require OCS to collect information from States as part of the State plan or annual report regarding how the State will meet requirements of the CSBG Act. Section 676(b) (42 U.S.C. § 9908(b)) outlines authority for the collection of necessary information as part of a State application and plan. The statute provides the authority to collect “such information as the Secretary shall require,” including a series of detailed assurances based on the requirements of the CSBG Act. To assure effective use of funds to meet the purposes of the statute, section 676(d) (42 U.S.C. § 9908(d)) states that the “Secretary may prescribe procedures for the purpose of assessing effectiveness of the eligible entities in carrying out the purpose of [the CSBG Act].”

Performance Management for CSBG

Budget constraints, high poverty levels, changing demographics, and income inequality demand that the CSBG Network remain vigilant in our shared mission of creating opportunity and security for all Americans. We must look at all levels of the CSBG Network – local, State, and Federal – to assess and increase CSBG’s impact. The CSBG Network is far-reaching and nationwide. Together, we have the potential to achieve even greater results, in every community, by improving our accountability to one another, our customers, and our communities.

In an effort to help the CSBG Network increase accountability and achieve results, OCS launched several initiatives in 2012. One focused on establishing organizational standards for eligible entities. Under this effort, CSBG Network leaders developed and recommended a set of organizational standards to strengthen the capacity of the more than 1,000 eligible entities providing services across the country.

A second performance management initiative focused on enhancing the CSBG Network’s performance and outcomes measurement system for local eligible entities – identified in the CSBG Act as Results Oriented Management and Accountability System (ROMA). Finally, a third initiative focused on creating State and Federal-level accountability measures to track and measure organizational performance by State CSBG Lead Agencies and OCS.

These three efforts are complementary and integrated; together they comprise a network-wide accountability and management system for CSBG. They will ensure eligible entities, States, and OCS operate within Federal law and regulation and will build accountability and continuous management improvement into all three levels of the network (local, State and Federal). As shown in Appendix 1, *Measuring the Success of Community Action and CSBG*, these efforts will help us answer the questions, ‘How well did the Network perform?’ and ‘What difference did the Network make?’ Ultimately, using these new and enhanced tools and information, the CSBG Network will make better program decisions and generate stronger results for low-income families and communities.

Organizational Standards for CSBG Eligible Entities - Background

In 2012, OCS funded a cooperative agreement for the CSBG Organizational Standards Center of Excellence (COE). The two-year cooperative agreement coordinated – with input from local, State, and national partners – the development and dissemination of a set of organizational standards for eligible entities for the purpose of ensuring that all CSBG eligible entities have the capacity to provide high-quality services to low-income individuals and communities.

To begin the project, the COE expanded an existing CSBG Working Group from its original 20 members to over 50 individuals. The expanded working group included a balanced representation from eligible entities, State CSBG Lead Agencies, Community Action State Associations, national partners, technical assistance providers, and external content experts.

The working group’s first task was a thorough environmental scan and analysis of existing organizational oversight tools and resources, internal and external to the CSBG Network. The group found that while there are many similarities across States in how State CSBG Lead Agencies monitor eligible entities, substantial differences also exist.

The project continued through a nine-month development process that provided numerous opportunities for input by the CSBG Network, including financial and legal experts, on draft organizational standards. All together, the network invested over 3,500 documented hours in Working Group and committee meetings and in national and regional listening sessions. The final phase included a pilot that engaged a subset of State CSBG Lead Agencies and eligible entities in a field test of draft organizational standards and tools.

In March, 2014, OCS published a draft information memorandum with the draft organizational standards. OCS received 29 sets of comments (approximately 160 individual comments) from a broad range of individuals and organizations, including six CAAs; 12 states; five state associations; and six national organizations and individuals, and integrated all of this feedback into the final set of organizational standards.

The final result of the COE and OCS efforts is a comprehensive set of organizational standards developed by the CSBG Network for the CSBG Network. The CSBG Network is to be commended for its commitment to ongoing performance improvement and strengthening accountability.

The COE-developed Organizational Standards

The COE-developed standards are organized in three thematic groups comprising nine categories and totals of 58 standards for private, nonprofit eligible entities and 50 for public entities.

1. Maximum Feasible Participation
 - Consumer Input and Involvement
 - Community Engagement
 - Community Assessment
2. Vision and Direction
 - Organizational Leadership
 - Board Governance
 - Strategic Planning
3. Operations and Accountability
 - Human Resource Management
 - Financial Operations and Oversight
 - Data and Analysis

In order to be widely applicable across the CSBG Network, the standards are defined differently for private and public eligible entities. The complete description and list of private and public organizational standards are attached as Appendices 2 and 3, respectively.

All of the COE-developed organizational standards work together to characterize an effective and healthy organization. Some of the standards have direct links to the CSBG Act, such as the standards on the tripartite board structure and the democratic selection process. Some standards link with U.S. Office of Management and Budget (OMB) guidance, such as the standards on audits. As a whole, the standards reflect many of the requirements of the CSBG Act, applicable Federal laws and regulations, good management practices, and the values of Community Action.

The purpose of the organizational standards is to ensure that all eligible entities have appropriate organizational capacity, not only in the critical financial and administrative areas important to all nonprofit and public human service agencies, but also in areas of unique importance for CSBG-funded eligible entities. To fulfill the promise of the standards, States must provide consistent and high-quality oversight and technical assistance related to organizational standards. In addition, based on information about organizational capacity, States must work with the eligible entities to make informed programmatic decisions about how the agencies can best meet the needs of local low-income families and communities.

States and eligible entities that implement the COE standards will benefit from COE-developed tools, training, and technical assistance, and from the collective wisdom and scale of having many States using common standards (detailed tools and materials on the standards are available on the COE web page on the [Community Action Partnership](#) website). States using the COE standards will also benefit from a streamlined State plan process.

State Oversight

Section 678B of the CSBG Act (42 U.S.C. § 9914) requires State CSBG Lead Agencies to establish “performance goals, administrative standards, financial management requirements, and other requirements” that ensure an appropriate level of accountability and quality among the State’s eligible entities. The purpose of States using the organizational standards is to ensure each eligible entity has appropriate organizational capacity to fulfill the purposes of the CSBG Act. As noted below, States have discretion to determine how organizational standards will be implemented as part of their overall oversight strategy.

Assessment of Standards

Once the expectations for organizational standards are established and communicated to the eligible entities across a State, the State CSBG Lead Agency is responsible for assessing the status of standards among all of the eligible entities annually and for reporting to OCS on the standards in the CSBG Annual Report. States may design an approach for assessing organizational standards that fits within the oversight framework in their State. Many States may integrate standards assessment into their regular CSBG monitoring procedures, while other States may choose different oversight approaches, such as peer-review, assessment by a consultant or third party, or self-assessment. Some States may also choose a hybrid approach involving two or more strategies. Regardless of the approach, States must ensure the assessment of standards is independently verified by the State or a third party.

For example, a State on a triennial monitoring cycle may decide to assess the standards as part of their full onsite financial, administrative, and programmatic monitoring protocol. In the years between monitoring visits, the State may require entities to do self-assessments that are independently verified by a third party. In another example, a State may develop a process that includes peer review assessment that is then verified annually during regular State monitoring visits or a State desk review process.

States will describe their approach for assessing standards in their State plans, which will be subject to OCS review. Promising practices and other tools on integrating such assessment into a State’s oversight strategy will be available on the COE web page on the [Community Action Partnership](#) website.

States are responsible for ensuring that the eligible entities meet all State-established organizational standards. Some standards (i.e., strategic planning, developing an agency-wide budget, etc.) may take several years for eligible entities to meet, but every entity must make steady progress toward the goal of meeting all standards.

Corrective Action

During the assessment process, if a State finds an eligible entity is not meeting a standard or set of standards, the State’s response will depend on the circumstances. In cases where the eligible entity may be able to meet the standard in a reasonable time frame contingent on some targeted technical assistance, the State and entity may develop a technical assistance plan to target

training and technical assistance resources and outline a time frame for the entity to meet the standard(s). If appropriate in other situations, the State may initiate action in accordance with section 678C of the CSBG Act (42 U.S.C. § 9915), including the establishment of a Quality Improvement Plan (QIP) with clear timelines and benchmarks for progress.

As long as the State is confident that the eligible entity is moving toward meeting standards, under a technical assistance plan, QIP, or other oversight mechanism, the State should not initiate action to terminate or reduce funding.

The failure of an eligible entity to meet multiple standards may reflect deeper organizational challenges and risk. In those cases, a State must determine whether it may be necessary to take additional actions, including reducing or terminating funding, in accordance with [CSBG IM 116](#) (*Corrective Action, Termination, or Reduction of Funding*), issued May 1, 2012. OCS and States do not have the authority under the CSBG Act to bypass the process described in CSBG IM 116 in order to re-compete CSBG funding based on failure to meet organizational standards.

Implementation of Organizational Standards

The roll-out of organizational standards for eligible entities is a significant development in the history of CSBG and marks a new phase in our ability to strengthen accountability and results. While we expect States to move expeditiously in integrating organizational standards into their plans in FY 2016, we also recognize that States must manage this process thoughtfully so as to minimize unintended impact on their operations and those of the eligible entities.

State Considerations for an Effective Roll-out Process

As States establish new organizational standards for their eligible entities, they must follow a process that is consistent with State rules and is as fair and reasonable as possible. States should allow for input from the boards and leadership of eligible entities on the timing and procedures for implementing, documenting, and reporting on the standards. States should consistently integrate the organizational standards in State CSBG plans, contracts with eligible entities, funding documents, and oversight and monitoring instruments and reports. In particular, States should clearly communicate expectations around organizational standards prior to State oversight and monitoring activities. Once established, a State should only modify organizational standards based on established State rules and procedures that are publicly communicated and transparent (see Appendix 4: State Implementation of Organizational Standards – Key Considerations).

Process and Timing for Planning and Roll-out

States are expected to use organizational standards for assessing eligible entities starting in FY 2016. In order to do this, States must include information about organizational standards in their FY 2016 application and State plan, due September 1, 2015.

OCS encourages States to start planning for this process now, in FY 2015, particularly if State procedures for establishing official organizational standards may require a lengthy implementation period. For example, if a State uses regulation to establish official CSBG policy

for the eligible entities, the State may want to begin that process in advance of the FY 2016 CSBG application cycle. The timelines for any necessary rulemaking, including any potential obstacles that would prevent full implementation by FY 2016, must be described in the State plan. OCS will work with States that may need additional time due to rulemaking issues.

Any State that submitted a two-year plan for FY 2015 (due September 1, 2014) that did not include organizational standards for FY 2016 will have to submit a supplemental application for FY 2016 that includes organizational standards. This submission will be incorporated into the process for the FY 2016 submission of the State's 424-M application, which States must submit annually online in order to receive CSBG funding.

CSBG Model State Plan and Annual Report

The CSBG Model State Plan and CSBG Annual Report are interconnected and work together to provide critical information to OCS, Congress, and other stakeholders. The CSBG Model State Plan establishes the plans and goals for the performance period, and the annual report cycle provides information on the State's progress toward fulfilling those goals. OCS envisions the Model State Plan to work together with the annual report to provide critical performance management information – including that of organizational standards – to be used by all three levels of the CSBG Network.

In accordance with authorities outlined in Section 676(b) of the CSBG Act (42 U.S.C. § 9908(b)), OCS is revising the Model State Plan for the FY 2016 application cycle (for applications due September 1, 2015) to incorporate items related to organizational standards. OCS will review these elements during the usual State plan review process. Because the COE standards are designed as a comprehensive and complete set, any State that proposes making a minor modification to the standards must document the rationale for the change in their State plan and reports; and any modification to the COE standards will be subject to OCS review.

The revised Model State Plan will require the State to describe:

- whether the State is using the COE-developed organizational standards (and any modifications, if applicable);
- alternative organizational standards, if applicable;
- the process for establishing organizational standards officially in the State (e.g., through State regulation, contract terms and conditions, or other official policy documents), including a timeline;
- the approach for assessing eligible entities against standards;
- procedures for corrective action activities based on organizational standards; and
- exceptions for limited purpose or very small eligible entities, if applicable.

States will report on the status of eligible entities based on organizational standards through the required CSBG Annual Report. In past years, States may have fulfilled their annual reporting requirements, under section 678E(a)(2) of the CSBG Act (42 U.S.C. § 9917(a)(2)), by providing data for the CSBG Information Survey. In the future, OCS will provide new instructions for States regarding annual reporting.

OCS will be revising the Annual Report forms to include information on organizational standards, such as a comparison of the State's actual activities and performance on organizational standards to the planned activities and performance in the State plan. The Annual Report forms will also include data on the new State CSBG Accountability Measures.

Alternative Organizational Standards

Some States may already have highly developed standards in place that may function well in fulfillment of State oversight requirements under the CSBG Act. In these cases, a State may establish and communicate organizational standards for its eligible entities that are different from the COE-developed standards.

However, a State that uses an alternative set of standards must demonstrate that the standards are at least as rigorous and comprehensive as the organizational standards developed by the COE. If a State establishes a different set of organizational standards, the alternative standards must encompass requirements of the CSBG Act and other Federal requirements, such as those found in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), and should address the nine categories listed in the description of the COE-developed standards (e.g., consumer input and involvement, community engagement, etc.). OCS will review alternative standards during the application and State plan review process.

Exceptions for Limited-purpose Agencies and Special Circumstances

While the COE-developed organizational standards and related tools and materials are applicable to the vast majority of public and private CSBG eligible entities across the network, OCS recognizes that some States, according to their historical CSBG structure or other factors, may provide CSBG funds to certain entities for which the organizational standards may not be appropriate. These entities may include limited purpose agencies, State-funded tribal organizations, and migrant and seasonal farmworker organizations. In addition, organizational standards may not be applicable to entities with very small overall budgets (e.g., under \$50,000) or entities that receive very minor CSBG allocations (e.g., \$15,000).

In these special circumstances, States should assess both the applicability of the standards and the administrative burden for very small entities. States should also assess whether these agencies that are unable to meet the organizational standards are otherwise equipped to meet the purposes and goals of the CSBG Act, and whether alternative approaches, such as shared administrative supports or mergers, should be considered in order to assure appropriate capacity.

States may describe the rationale for not implementing the COE-developed or alternative organizational standards for these specific entities in their State plan, which will be subject to OCS review. However, as appropriate, States should describe other types of appropriate standards for excepted entities in order to ensure performance and accountability appropriate to the specific purpose and scope of the Federal support.

State Accountability Measures on Organizational Standards

States will report on organizational standards in part by using the new CSBG State Accountability Measures. These new accountability measures will require States to track data such as the percentage of eligible entities that met 100 percent of the organizational standards during the performance period and information on technical assistance plans and Quality Improvement Plans for eligible entities not meeting the standards during the performance period.

OCS is incorporating the State Accountability Measures into the CSBG Model State Plan and CSBG Annual Report forms and will clear them through the U.S. Office of Management and Budget (OMB). For more information on the CSBG State and Federal Accountability Measures, including the specific measures related to organizational standards, see the draft IM, *State and Federal Accountability Measures and Data Collection Modernization*.

CSBG Network Review and OMB Paperwork Reduction Act Clearance Process

As noted earlier, OCS is currently revising the Model State Plan and the CSBG Annual Report forms to incorporate performance management elements, as well as to create forms that are better integrated, web-based, and streamlined. OCS has and will continue to seek input from States and other CSBG Network stakeholders on the clarity, usability, and effectiveness of the revised documents.

As a part of this effort, OCS must clear the revised forms through OMB, as required under the Paperwork Reduction Act of 1995 (PRA). The PRA requires agencies and OMB to ensure that information collected from the public minimizes burden and maximizes practical utility. The OMB/PRA review and approval process includes a 60-day and a 30-day public comment period. For more information about the OMB/PRA clearance process, please see the [Frequently Asked Questions](#) on the U.S. Department of Health and Human Services website.

The COE-developed organizational standards themselves will not go through a formal OMB/PRA clearance process. Rather, OCS will clear elements related to the organizational standards (such as implementation plans, data collection for the accountability measures, etc.) that are incorporated in the CSBG Model State Plan and the CSBG Annual Report forms.

OCS expects to initiate the OMB/PRA clearance process for the CSBG Model State Plan in early 2015. Concurrently, we will begin automating the Model State Plan so that States can access it through the ACF Online Data Collection (OLDC) system. We anticipate States will use the online version of the revised Model State Plan for the FY 2016 application cycle (for applications due September 1, 2015).

Below is information on implementation timing and roll-out of the organizational standards for OCS, States, and eligible entities. If you have questions, please contact an OCS CSBG specialist. The list of OCS staff and contact information is posted on the OCS website at www.acf.hhs.gov/programs/ocs/resource/csbg-staff-assignments-by-region.

OCS Responsibilities

Responsibilities	Time Frame
<i>CSBG Model State Plan</i> : Complete the first revision with CSBG Network input	Fall 2014
<i>Final IM on Organizational Standards</i> : Publish	January 2015
<i>CSBG Model State Plan</i> : Program into the ACF Online Data Collection (OLDC) system	Approximately 6 months winter 2015 – spring 2015
<i>CSBG Model State Plan</i> : Request public comments; get HHS and OMB approval	Approximately 6 months winter 2015 – spring 2015
<i>CSBG Model State Plan</i> : Publish and provide training and technical assistance	Spring/summer 2015
<i>Annual Report</i> : Revise, automate, and get OMB approval; with the National Association for State Community Services Programs (NASCSPP)	2015 - 2016

Note: Dates above are contingent on the time frame for final OMB/PRA clearance.

State Responsibilities

Responsibilities	Time Frame
<i>Organizational Standards</i> : Establish, communicate, and implement	2015
<i>CSBG Model State Plan</i> : Include organizational standards (States will submit State Plans through the OLDC system)	Due by September 1, 2015
<i>Organizational Standards</i> : Assess through established oversight procedures	Starting Federal Fiscal Year 2016
<i>Annual Report</i> : Report performance on organizational standards (State accountability measures)	End of 2016 performance period, by March 2017, as appropriate

CSBG Eligible Entity Responsibilities

Responsibilities	Time Frame
<i>Organizational Standards</i> : Self-assessment and planning for adoption of standards	2015
<i>Organizational Standards</i> : Assess through established State oversight procedures; Address identified weaknesses and share exceptional practices, with State and technical assistance providers	Starting Federal Fiscal Year 2016

Conclusion

Together we must insist upon accountability and performance management across the CSBG Network. The COE-developed organizational standards have the potential to protect and enhance the structural integrity of this national network by assuring that all entities that annually receive CSBG funds have the capacity to organize and support a comprehensive community response to the complex social problems that contribute to poverty.

/s/

Jeannie L. Chaffin
Director
Office of Community Services

Appendices:

Appendix 1: Measuring the Success of Community Action and CSBG

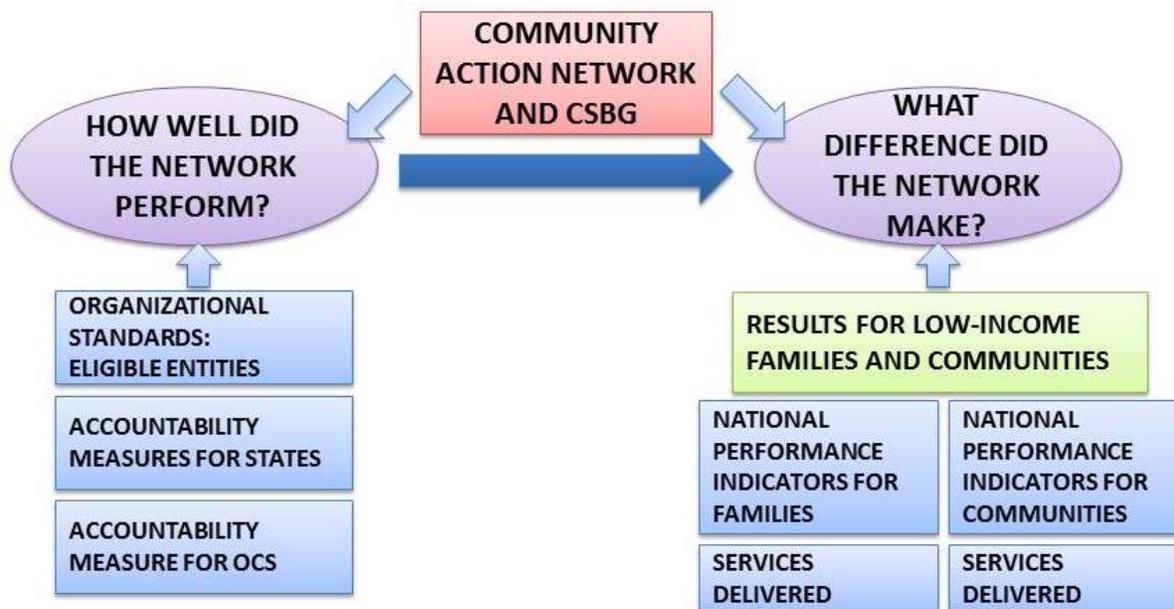
Appendix 2: COE-developed Organizational Standards for Private, Nonprofit CSBG Eligible Entities

Appendix 3: COE-developed Organizational Standards for Public CSBG Eligible Entities

Appendix 4: State Implementation of Organizational Standards – Key Considerations

Appendix 1: Measuring the Success of Community Action and CSBG

MEASURING THE SUCCESS OF COMMUNITY ACTION AND CSBG



Appendix 2: COE-developed Organizational Standards for Private, Nonprofit CSBG Eligible Entities

ORGANIZATIONAL STANDARDS FOR PRIVATE, NONPROFIT CSBG ELIGIBLE ENTITIES

MAXIMUM FEASIBLE PARTICIPATION

Category one: Consumer Input and Involvement

Community Action is rooted in the belief that people with low incomes are in the best position to express what they need to make a difference in their lives. CSBG eligible entities work in partnership with the people and communities they serve. Community Action works in a coordinated and comprehensive manner to develop programs and services that will make a critical difference in the lives of participants. Individuals and families are well attuned to what they need, and when Community Action taps into that knowledge, it informs our ability to implement high-impact programs and services.

Research shows that through engagement in community activities such as board governance, peer to peer leadership, advisory bodies, volunteering, and other participatory means, the poor build personal networks and increase their social capital so that they are able to move themselves and their families out of poverty. Community Action is grounded in helping families and communities build this social capital for movement to self-sufficiency.

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| Standard 1.1 • private | The organization demonstrates low-income individuals' participation in its activities. |
| Standard 1.2 • private | The organization analyzes information collected directly from low-income individuals as part of the community assessment. |
| Standard 1.3 • private | The organization has a systematic approach for collecting, analyzing, and reporting customer satisfaction data to the governing board. |

Category two: Community Engagement

No CSBG eligible entity can meet all of a community's needs independently. Through formal and informal partnerships, ongoing community planning, advocacy, and engagement of people with low incomes, partners ranging from community and faith-based organizations, educational institutions, government, and business work together with Community Action Agencies and other CSBG eligible entities to successfully move families out of poverty and revitalize communities.

Community Action is often the backbone organization of community efforts to address poverty and community revitalization: leveraging funds, convening key partners, adding the voice of the underrepresented, and being the central coordinator of efforts. It is not an easy role to play, but a vital one for families and communities.

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| Standard 2.1 • private | The organization has documented or demonstrated partnerships across the community, for specifically identified purposes; partnerships include other anti-poverty organizations in the area. |
| Standard 2.2 • private | The organization utilizes information gathered from key sectors of the community in assessing needs and resources, during the community assessment process or other times. These sectors would include at minimum: community-based organizations, faith-based organizations, private sector, public sector, and educational institutions. |
| Standard 2.3 • private | The organization communicates its activities and its results to the community. |
| Standard 2.4 • private | The organization documents the number of volunteers and hours mobilized in support of its activities. |

Category three: Community Assessment

Local control of Federal CSBG resources is predicated on regular comprehensive community assessments that take into account the breadth of community needs as well as the partners and resources available in a community to meet these needs. Regular assessment of needs and resources at the community level is the foundation of Community Action and a vital management and leadership tool that is used across the organization and utilized by the community to set the course for both CSBG and all agency resources.

- Standard 3.1 • private** The organization conducted a community assessment and issued a report within the past 3 years.
- Standard 3.2 • private** As part of the community assessment, the organization collects and includes current data specific to poverty and its prevalence related to gender, age, and race/ethnicity for their service area(s).
- Standard 3.3 • private** The organization collects and analyzes both qualitative and quantitative data on its geographic service area(s) in the community assessment.
- Standard 3.4 • private** The community assessment includes key findings on the causes and conditions of poverty and the needs of the communities assessed.
- Standard 3.5 • private** The governing board formally accepts the completed community assessment.

VISION AND DIRECTION

Category four: Organizational Leadership

Community Action leadership is exemplified at all levels across the organization and starts with a mission that clarifies Community Action's work on poverty. A well-functioning board, a focused chief executive officer (CEO)/executive director, well-trained and dedicated staff, and volunteers giving of themselves to help others will establish Community Action as the cornerstone and leverage point to address poverty across the community. Ensuring strong leadership both for today and into the future is critical.

This category addresses the foundational elements of mission as well as the implementation of the Network's model of good performance management (ROMA). It ensures CAAs have taken steps to plan thoughtfully for today's work and tomorrow's leadership.

Standard 4.1 • private	The governing board has reviewed the organization's mission statement within the past 5 years and assured that: <ol style="list-style-type: none"> 1. The mission addresses poverty; and 2. The organization's programs and services are in alignment with the mission.
Standard 4.2 • private	The organization's Community Action plan is outcome-based, anti-poverty focused, and ties directly to the community assessment.
Standard 4.3 • private	The organization's Community Action plan and strategic plan document the continuous use of the full Results Oriented Management and Accountability (ROMA) cycle or comparable system (assessment, planning, implementation, achievement of results, and evaluation). In addition, the organization documents having used the services of a ROMA-certified trainer (or equivalent) to assist in implementation.
Standard 4.4 • private	The governing board receives an annual update on the success of specific strategies included in the Community Action plan.
Standard 4.5 • private	The organization has a written succession plan in place for the CEO/executive director, approved by the governing board, which contains procedures for covering an emergency/unplanned, short-term absence of 3 months or less, as well as outlines the process for filling a permanent vacancy.
Standard 4.6 • private	An organization-wide, comprehensive risk assessment has been completed within the past 2 years and reported to the governing board.

Category five: Board Governance

Community Action boards are uniquely structured to ensure maximum feasible participation by the entire community, including those the network serves. By law, Community Action boards are comprised of at least 1/3 low-income consumers (or their representatives), 1/3 elected officials (or their appointees), and the remainder private-sector community members. To make this structure work as intended, CAAs must recruit board members thoughtfully, work within communities to promote opportunities for board service, and orient, train, and support them in their oversight role. Boards are foundational to good organizational performance and the time invested to keep them healthy and active is significant, but necessary.

- Standard 5.1 • private** The organization's governing board is structured in compliance with the CSBG Act:
1. At least one third democratically-selected representatives of the low-income community;
 2. One-third local elected officials (or their representatives); and
 3. The remaining membership from major groups and interests in the community.
- Standard 5.2 • private** The organization's governing board 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.
- Standard 5.3 • private** The organization's bylaws have been reviewed by an attorney within the past 5 years.
- Standard 5.4 • private** The organization documents that each governing board member has received a copy of the bylaws within the past 2 years.
- Standard 5.5 • private** The organization's governing board meets in accordance with the frequency and quorum requirements and fills board vacancies as set out in its bylaws.
- Standard 5.6 • private** Each governing board member has signed a conflict of interest policy within the past 2 years.
- Standard 5.7 • private** The organization has a process to provide a structured orientation for governing board members within 6 months of being seated.
- Standard 5.8 • private** Governing board members have been provided with training on their duties and responsibilities within the past 2 years.
- Standard 5.9 • private** The organization's governing board receives programmatic reports at each regular board meeting.

Category six: Strategic Planning

Establishing the vision for a Community Action Agency is a big task and setting the course to reach it through strategic planning is serious business. CSBG eligible entities take on this task by looking both at internal functioning and at the community's needs. An efficient organization knows where it is headed, how the board and staff fit into that future, and how it will measure its success in achieving what it has set out to do. This agency-wide process is board-led and ongoing. A "living, breathing" strategic plan with measurable outcomes is the goal, rather than a plan that gets written but sits on a shelf and stagnates. Often set with an ambitious vision, strategic plans set the tone for the staff and board and are a key leadership and management tool for the organization.

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| Standard 6.1 • private | The organization has an agency-wide strategic plan in place that has been approved by the governing board within the past 5 years. |
| Standard 6.2 • private | The approved strategic plan addresses reduction of poverty, revitalization of low-income communities, and/or empowerment of people with low incomes to become more self-sufficient. |
| Standard 6.3 • private | The approved strategic plan contains family, agency, and/or community goals. |
| Standard 6.4 • private | Customer satisfaction data and customer input, collected as part of the community assessment, is included in the strategic planning process. |
| Standard 6.5 • private | The governing board has received an update(s) on progress meeting the goals of the strategic plan within the past 12 months. |

OPERATIONS AND ACCOUNTABILITY

Category seven: Human Resource Management

The human element of Community Action's work is evident at all levels of the organization and the relationship an organization has with its staff often reflects the organization's values and mission. Oversight of the chief executive officer (CEO)/executive director and maintaining a strong human resources infrastructure are key responsibilities of board oversight. Attention to organizational elements such as policies and procedures, performance appraisals, and training lead to strong organizations with the capacity to deliver high-quality services in low-income communities.

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| Standard 7.1 • private | The organization has written personnel policies that have been reviewed by an attorney and approved by the governing board within the past 5 years. |
| Standard 7.2 • private | The organization makes available the employee handbook (or personnel policies in cases without a handbook) to all staff and notifies staff of any changes. |
| Standard 7.3 • private | The organization has written job descriptions for all positions, which have been updated within the past 5 years. |
| Standard 7.4 • private | The governing board conducts a performance appraisal of the CEO/executive director within each calendar year. |
| Standard 7.5 • private | The governing board reviews and approves CEO/executive director compensation within every calendar year. |
| Standard 7.6 • private | The organization has a policy in place for regular written evaluation of employees by their supervisors. |
| Standard 7.7 • private | The organization has a whistleblower policy that has been approved by the governing board. |
| Standard 7.8 • private | All staff participate in a new employee orientation within 60 days of hire. |
| Standard 7.9 • private | The organization conducts or makes available staff development/training (including ROMA) on an ongoing basis. |

Category eight: Financial Operations and Oversight

The fiscal bottom line of Community Action is not isolated from the mission, it is a joint consideration. Community Action boards and staff maintain a high level of fiscal accountability through audits, monitoring by State and Federal agencies, and compliance with Federal Office of Management Budget circulars. The management of Federal funds is taken seriously by CSBG eligible entities and the Standards specifically reflect the board's oversight role as well as the day-to-day operational functions.

Standard 8.1 • private	The organization's annual audit (or audited financial statements) is completed by a Certified Public Accountant on time in accordance with Title 2 of the Code of Federal Regulations, Uniform Administrative Requirements, Cost Principles, and Audit Requirement (if applicable) and/or State audit threshold requirements.
Standard 8.2 • private	All findings from the prior year's annual audit have been assessed by the organization and addressed where the governing board has deemed it appropriate.
Standard 8.3 • private	The organization's auditor presents the audit to the governing board.
Standard 8.4 • private	The governing board formally receives and accepts the audit.
Standard 8.5 • private	The organization has solicited bids for its audit within the past 5 years.
Standard 8.6 • private	The IRS Form 990 is completed annually and made available to the governing board for review.
Standard 8.7 • private	The governing board receives financial reports at each regular meeting that include the following: <ol style="list-style-type: none"> 1. Organization-wide report on revenue and expenditures that compares budget to actual, categorized by program; and 2. Balance sheet/statement of financial position.
Standard 8.8 • private	All required filings and payments related to payroll withholdings are completed on time.
Standard 8.9 • private	The governing board annually approves an organization-wide budget.
Standard 8.10 • private	The fiscal policies have been reviewed by staff within the past 2 years, updated as necessary, with changes approved by the governing board.

- Standard 8.11 • private** A written procurement policy is in place and has been reviewed by the governing board within the past 5 years.
- Standard 8.12 • private** The organization documents how it allocates shared costs through an indirect cost rate or through a written cost allocation plan.
- Standard 8.13 • private** The organization has a written policy in place for record retention and destruction.

Category nine: Data and Analysis

The Community Action Network moves families out of poverty every day across this country and needs to produce data that reflect the collective impact of these efforts. Individual stories are compelling when combined with quantitative data: *no data without stories and no stories without data*. Community Action needs to better document the outcomes families, agencies, and communities achieve. The Community Services Block Grant funding confers the obligation and opportunity to tell the story of agency-wide impact and community change, and in turn the impact of the Network as a whole.

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| Standard 9.1 • private | The organization has a system or systems in place to track and report client demographics and services customers receive. |
| Standard 9.2 • private | The organization has a system or systems in place to track family, agency, and/or community outcomes. |
| Standard 9.3 • private | The organization has presented to the governing board for review or action, at least within the past 12 months, an analysis of the agency's outcomes and any operational or strategic program adjustments and improvements identified as necessary. |
| Standard 9.4 • private | The organization submits its annual CSBG Information Survey data report and it reflects client demographics and organization-wide outcomes. |

Appendix 3: COE-developed Organizational Standards for Public CSBG Eligible Entities

ORGANIZATIONAL STANDARDS FOR PUBLIC CSBG ELIGIBLE ENTITIES

MAXIMUM FEASIBLE PARTICIPATION

Category one: Consumer Input and Involvement

Community Action is rooted in the belief that people with low incomes are in the best position to express what they need to make a difference in their lives. CSBG eligible entities work in partnership with the people and communities they serve. Community Action works in a coordinated and comprehensive manner to develop programs and services that will make a critical difference in the lives of participants. Individuals and families are well attuned to what they need, and when Community Action taps into that knowledge, it informs our ability to implement high impact programs and services.

Research shows that through engagement in community activities such as board governance, peer to peer leadership, advisory bodies, volunteering, and other participatory means, the poor build personal networks and increase their social capital so that they are able to move themselves and their families out of poverty. Community Action is grounded in helping families and communities build this social capital for movement to self-sufficiency.

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| Standard 1.1 • public | The department demonstrates low-income individuals' participation in its activities. |
| Standard 1.2 • public | The department analyzes information collected directly from low-income individuals as part of the community assessment. |
| Standard 1.3 • public | The department has a systematic approach for collecting, analyzing, and reporting customer satisfaction data to the tripartite board/advisory body, which may be met through broader local government processes. |

Category two: Community Engagement

No CSBG eligible entity can meet all of a community's needs independently. Through formal and informal partnerships, ongoing community planning, advocacy, and engagement of people with low incomes, partners ranging from community and faith-based organizations, educational institutions, government, and business can work together with Community Action agencies and other CSBG eligible entities to successfully move families out of poverty and revitalize communities.

Community Action is often the backbone organization of community efforts to address poverty and community revitalization: leveraging funds, convening key partners, adding the voice of the underrepresented, and being the central coordinator of efforts. It is not an easy role to play, but a vital one for families and communities.

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| Standard 2.1 • public | The department has documented or demonstrated partnerships across the community, for specifically identified purposes; partnerships include other anti-poverty organizations in the area. |
| Standard 2.2 • public | The department utilizes information gathered from key sectors of the community in assessing needs and resources, during the community assessment process or other times. These sectors would include at minimum: community-based organizations, faith-based organizations, private sector, public sector, and educational institutions. |
| Standard 2.3 • public | The department communicates its activities and its results to the community. |
| Standard 2.4 • public | The department documents the number of volunteers and hours mobilized in support of its activities. |

Category three: Community Assessment

Local control of Federal CSBG resources is predicated on regular comprehensive community assessments that take into account the breadth of community needs as well as the partners and resources available in a community to meet these needs. Regular assessment of needs and resources at the community level is the foundation of Community Action and a vital management and leadership tool that is used across the organization and utilized by the community to set the course for both CSBG and all agency resources.

- Standard 3.1 • public** The department conducted or was engaged in a community assessment and issued a report within the past 3 years, if no other report exists.
- Standard 3.2 • public** As part of the community assessment, the department collects and includes current data specific to poverty and its prevalence related to gender, age, and race/ethnicity for their service area(s).
- Standard 3.3 • public** The department collects and analyzes both qualitative and quantitative data on its geographic service area(s) in the community assessment.
- Standard 3.4 • public** The community assessment includes key findings on the causes and conditions of poverty and the needs of the communities assessed.
- Standard 3.5 • public** The tripartite board/advisory body formally accepts the completed community assessment.

VISION AND DIRECTION

Category four: Organizational Leadership

Community Action leadership is exemplified at all levels across the organization and starts with a mission that clarifies Community Action's work on poverty. A well-functioning board, a focused department head, well-trained and dedicated staff, and volunteers giving of themselves to help others will establish Community Action as the cornerstone and leverage point to address poverty across the community. Ensuring strong leadership both for today and into the future is critical.

This category addresses the foundational elements of mission as well as the implementation of the Network's model of good performance management (ROMA). It ensures CAAs have taken steps to plan thoughtfully for today's work and tomorrow's leadership.

Standard 4.1 • public	The tripartite board/advisory body has reviewed the department's mission statement within the past 5 years and assured that: <ol style="list-style-type: none"> 1. The mission addresses poverty; and 2. The CSBG programs and services are in alignment with the mission.
Standard 4.2 • public	The department's Community Action plan is outcome-based, anti-poverty focused, and ties directly to the community assessment.
Standard 4.3 • public	The department's Community Action plan and strategic plan document the continuous use of the full Results Oriented Management and Accountability (ROMA) cycle or comparable system (assessment, planning, implementation, achievement of results, and evaluation). In addition, the department documents having used the services of a ROMA-certified trainer (or equivalent) to assist in implementation.
Standard 4.4 • public	The tripartite board/advisory body receives an annual update on the success of specific strategies included in the Community Action plan.
Standard 4.5 • public	The department adheres to its local government's policies and procedures around interim appointments and processes for filling a permanent vacancy.
Standard 4.6 • public	The department complies with its local government's risk assessment policies and procedures.

Category five: Board Governance

Community Action boards are uniquely structured to ensure maximum feasible participation by the entire community, including those the Network serves. By law, Community Action boards are comprised of at least 1/3 low-income consumers (or their representatives), 1/3 elected officials (or their appointees), and the remainder private-sector community members. To make this structure work as intended, CAAs must recruit board members thoughtfully, work within communities to promote opportunities for board service, and orient, train, and support them in their oversight role. Boards are foundational to good organizational performance and the time invested to keep them healthy and active is significant, but necessary.

- Standard 5.1 • public** The department's tripartite board/advisory body is structured in compliance with the CSBG Act, by either:
1. Selecting the board members as follows:
 - At least one third are democratically-selected representatives of the low-income community;
 - One-third are local elected officials (or their representatives); and
 - The remaining members are from major groups and interests in the community; or
 2. Selecting the board through another mechanism specified by the State to assure decision-making and participation by low-income individuals in the development, planning, implementation, and evaluation of programs.

- Standard 5.2 • public** The department's tripartite board/advisory body either has:
1. 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
 2. Another mechanism specified by the State to assure decision-making and participation by low-income individuals in the development, planning, implementation, and evaluation of programs.

Please note under [IM 82](#) for Public Entities the law also requires that a minimum of 1/3 of tripartite board membership be comprised of representatives of low-income individuals and families who reside in areas served.

- Standard 5.3 • public** Not applicable: Review of bylaws by an attorney is outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.

- Standard 5.4 • public** The department documents that each tripartite board/advisory body member has received a copy of the governing documents, within the past 2 years.

- Standard 5.5 • public** The department's tripartite board/advisory body meets in accordance with the frequency and quorum requirements and fills board vacancies as set out in its governing documents.
- Standard 5.6 • public** Each tripartite board/advisory body member has signed a conflict of interest policy, or comparable local government document, within the past 2 years.
- Standard 5.7 • public** The department has a process to provide a structured orientation for tripartite board/advisory body members within 6 months of being seated.
- Standard 5.8 • public** Tripartite board/advisory body members have been provided with training on their duties and responsibilities within the past 2 years.
- Standard 5.9 • public** The department's tripartite board/advisory body receives programmatic reports at each regular board/advisory meeting.

Category six: Strategic Planning

Establishing the vision for a Community Action agency is a big task and setting the course to reach it through strategic planning is serious business. CSBG eligible entities take on this task by looking both at internal functioning and at the community's needs. An efficient organization knows where it is headed, how the board and staff fit into that future, and how it will measure its success in achieving what it has set out to do. This agency-wide process is board-led and ongoing. A "living, breathing" strategic plan with measurable outcomes is the goal, rather than a plan that gets written but sits on a shelf and stagnates. Often set with an ambitious vision, strategic plans set the tone for the staff and board and are a key leadership and management tool for the organization.

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| Standard 6.1 • public | The department has a strategic plan, or comparable planning document, in place that has been reviewed and accepted by the tripartite board/advisory body within the past 5 years. If the department does not have a plan, the tripartite board/advisory body will develop the plan. |
| Standard 6.2 • public | The approved strategic plan, or comparable planning document, addresses reduction of poverty, revitalization of low-income communities, and/or empowerment of people with low incomes to become more self-sufficient. |
| Standard 6.3 • public | The approved strategic plan, or comparable planning document, contains family, agency, and/or community goals. |
| Standard 6.4 • public | Customer satisfaction data and customer input, collected as part of the community assessment, is included in the strategic planning process, or comparable planning process. |
| Standard 6.5 • public | The tripartite board/advisory body has received an update(s) on progress meeting the goals of the strategic plan/comparable planning document within the past 12 months. |

OPERATIONS AND ACCOUNTABILITY

Category seven: Human Resource Management

The human element of Community Action's work is evident at all levels of the organization and the relationship an organization has with its staff often reflects the organization's values and mission. Oversight of the department head and maintaining a strong human resources infrastructure are key responsibilities of board oversight. Attention to organizational elements such as policies and procedures, performance appraisals, and training lead to strong organizations with the capacity to deliver high-quality services in low-income communities.

Standard 7.1 • public	Not applicable: Local governmental personnel policies are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.
Standard 7.2 • public	The department follows local governmental policies in making available the employee handbook (or personnel policies in cases without a handbook) to all staff and in notifying staff of any changes.
Standard 7.3 • public	The department has written job descriptions for all positions. Updates may be outside of the purview of the department.
Standard 7.4 • public	The department follows local government procedures for performance appraisal of the department head.
Standard 7.5 • public	The compensation of the department head is made available according to local government procedure.
Standard 7.6 • public	The department follows local governmental policies for regular written evaluation of employees by their supervisors.
Standard 7.7 • public	The department provides a copy of any existing local government whistleblower policy to members of the tripartite board/advisory body at the time of orientation.
Standard 7.8 • public	The department follows local governmental policies for new employee orientation.
Standard 7.9 • public	The department conducts or makes available staff development/training (including ROMA training) on an ongoing basis.

Category eight: Financial Operations and Oversight

The fiscal bottom line of Community Action is not isolated from the mission; it is a joint consideration. Community Action boards and staff maintain a high level of fiscal accountability through audits, monitoring by State and Federal agencies, and compliance with Federal Office of Management Budget circulars. The management of Federal funds is taken seriously by CSBG eligible entities and the Standards specifically reflect the board's oversight role as well as the day-to-day operational functions.

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| Standard 8.1 • public | The department's annual audit is completed through the local governmental process in accordance with Title 2 of the Code of Federal Regulations, Uniform Administrative Requirements, Cost Principles, and Audit Requirement (if applicable) and/or State audit threshold requirements. This may be included in the municipal entity's full audit. |
| Standard 8.2 • public | The department follows local government procedures in addressing any audit findings related to CSBG funding. |
| Standard 8.3 • public | The department's tripartite board/advisory body is notified of the availability of the local government audit. |
| Standard 8.4 • public | The department's tripartite board/advisory body is notified of any findings related to CSBG funding. |
| Standard 8.5 • public | Not applicable: The audit bid process is outside of the purview of tripartite board/advisory body therefore this standard does not apply to public entities. |
| Standard 8.6 • public | Not applicable: The Federal tax reporting process for local governments is outside of the purview of tripartite board/advisory body therefore this standard does not apply to public entities. |
| Standard 8.7 • public | The tripartite board/advisory body receives financial reports at each regular meeting, for those program(s) the body advises, as allowed by local government procedure. |
| Standard 8.8 • public | Not applicable: The payroll withholding process for local governments is outside of the purview of the department, therefore this standard does not apply to public entities. |
| Standard 8.9 • public | The tripartite board/advisory body has input as allowed by local governmental procedure into the CSBG budget process. |

- Standard 8.10 • public** Not applicable: The fiscal policies for local governments are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.
- Standard 8.11 • public** Not applicable: Local governmental procurement policies are outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.
- Standard 8.12 • public** Not applicable: A written cost allocation plan is outside of the purview of the department and the tripartite board/advisory body, therefore this standard does not apply to public entities.
- Standard 8.13 • public** The department follows local governmental policies for document retention and destruction.

Category nine: Data and Analysis

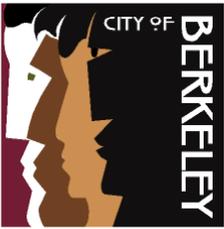
The Community Action Network moves families out of poverty every day across this country and needs to produce data that reflect the collective impact of these efforts. Individual stories are compelling when combined with quantitative data: *no data without stories and no stories without data*. Community Action needs to better document the outcomes families, agencies, and communities achieve. The Community Services Block Grant funding confers the obligation and opportunity to tell the story of agency-wide impact and community change, and in turn the impact of the Network as a whole.

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| Standard 9.1 • public | The department has a system or systems in place to track and report client demographics and services customers receive. |
| Standard 9.2 • public | The department has a system or systems in place to track family, agency, and/or community outcomes. |
| Standard 9.3 • public | The department has presented to the tripartite board/advisory body for review or action, at least within the past 12 months, an analysis of the agency's outcomes and any operational or strategic program adjustments and improvements identified as necessary. |
| Standard 9.4 • public | The department submits its annual CSBG Information Survey data report and it reflects client demographics and CSBG-funded outcomes. |

Appendix 4: State Implementation of Organizational Standards – Key Considerations

Critical Action Area	Description	Critical Partners and Available Resources
Initial discussions with key partners in the State	<i>State convenes discussions with eligible entities, State CAA Association, and other partners to discuss process and timeline for adopting COE-developed organizational standards.</i>	State CSBG Lead Agency, eligible entities, State CAA Association
Assessment of State laws and rulemaking requirements	<i>State CSBG officials, legal counsel, and contracting officials review existing State laws, regulations, and contracting procedures for necessary actions or venues for communication of standards (e.g. State register).</i>	State procurement office, State agency counsel, National Association for State Community Services Programs (NASCS), Community Action Program Legal Services, Inc.
Development and public notification of State standards	<i>After review of current rules, standards and requirements, State CSBG officials identify and communicate anticipated organizational standards for CSBG eligible entities. Standards are communicated in writing through State register notice, website publication, or other public notice consistent with State procedures and rulemaking requirements.</i>	CSBG Organizational Standards Center of Excellence
Opportunities for input on timelines and procedures	<i>Through public meetings, consultations, hearings, and written input processes, States provide opportunities for input from CSBG eligible entities and other stakeholders on the timelines and procedures for implementation of organizational standards, including processes for incorporating into State monitoring procedures and organizational bylaws, as appropriate.</i>	CSBG Regional Performance and Innovation Consortia (RPIC), State CAA Association
Development and communication of technical assistance strategies	<i>In partnership with State and national technical assistance partners, the State establishes and communicates a technical assistance strategy to help assure that all CSBG eligible entities have access to technical assistance to meet required standards. Assistance in agency self-assessment may be provided. Technical assistance may be funded through State discretionary resources, may be sponsored federally, or may be paid for by affected organizations, as appropriate.</i>	CSBG Organizational Standards Center of Excellence, CSBG Learning Communities Resource Center, CSBG Risk Mitigation Training and Technical Assistance Center, CSBG RPIC, State CSBG Associations, Office of Community Services (OCS) State Liaison staff
Incorporation of standards in State CSBG Plan	<i>State CSBG officials incorporate organizational standards and procedures for implementation into annual State CSBG Plans. These plans are made available for</i>	NASCS, CSBG Organizational Standards Center of Excellence, OCS State Liaison staff

Critical Action Area	Description	Critical Partners and Available Resources
	<i>public inspection consistent with requirements in the CSBG Act and are submitted for Federal review as part of the application for CSBG funds.</i>	
Incorporation of standards in local CSBG Plans and agency procedures	<i>Eligible entity boards and leadership incorporate organizational standards into agency procedures and practices, as appropriate, to assure compliance with all standards and procedures. Compliance with organizational standards is incorporated into board oversight and executive performance plans as appropriate.</i>	CSBG Organizational Standards of Excellence, Community Action Program Legal Services, Inc., State CAA Associations
Assessment and communication of results	<i>State organizational standards are incorporated into State oversight procedures. As required under the CSBG Act, a full onsite review is conducted at least once every three years and ad hoc monitoring is conducted as necessary.</i>	NASCSP, CSBG Organizational Standards Center of Excellence, OCS State Liaison staff
Corrective action cycle	<i>When State identifies non-compliance through State monitoring, it clearly communicates specific deficiencies and requirements for corrective action and offers technical assistance as appropriate. As necessary, States may initiate further procedures or funding actions consistent with the CSBG Act. In situations in which an eligible entity does not correct significant deficiencies within required deadlines, or in which widespread or systemic issues are identified that cannot feasibly be corrected in a reasonable timeframe, a State may initiate action to terminate eligible entity status consistent with the CSBG Act. Conversely, agencies that are identified as having best practices related to State standards may be identified as exemplars and assist in quality improvement efforts as appropriate.</i>	CSBG Learning Communities Resource Center, CSBG Risk Mitigation Training and Technical Assistance Center, State CSBG Associations, OCS State Liaison staff Note: For detailed guidance on CSBG requirements, see IM 116 .



ACTION Calendar
November 17, 2015

To: Honorable Mayor and Members of the City Council
From: Human Welfare and Community Action Commission
Submitted by: Praveen Sood, Chairperson, Human Welfare and Community Action Commission
Subject: Commission Process Improvement

RECOMMENDATION

Adopt a Resolution requesting that the City Manager examine the addition of language to the Berkeley Municipal Code that clarifies the management of city of Berkeley commissions.

FISCAL IMPACTS OF RECOMMENDATION

There are minimal costs associated with the actions recommended beyond amending the policy as appears in city publications.

CURRENT SITUATION AND ITS EFFECTS

The current code regarding the operations of the city commissions is unclear on several areas.

BACKGROUND

The city of Berkeley has a unique system of commissions that acts on a consultative basis with city councilor a variety of topics. Like most things these commissions need to look at continually improve their process. This resolution recommends several changes to the code regarding commissions in an effort to protect free speech and improve the performance of these valuable groups.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated the action suggested in this report.

RATIONALE FOR RECOMMENDATION

As a member of the commission system, the Human Welfare and Community Action Commission has a vested interest in the improved operations of the commission system.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

, , ,

Attachments:
1: Resolution

RESOLUTION NO. ##,###N.S.

Commission Improvement Process

WHEREAS, the Human Welfare and Community Action Commission is organization with the city's commission program and has a vested interest in the approved function of the commissions

WHEREAS, here is potential for the commission appointment process to be used in ways that it may not have been intended

WHEREAS, the set of rules regarding the removal of commissioners by their appointing city council member is not clearly defined

WHEREAS, we believe the system could be improved with closer contact between commissioners and their appointing city councilpersons

NOW THEREFORE BE IT RESOLVED by the City Council of the city of Berkeley that the city manager examine the feasibility making changes to the existing city code to improved the operations of the commission process

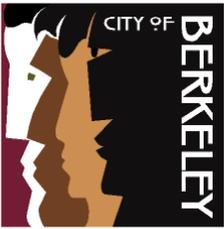
BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section A Sentence 2 be amended with the following or similar language.. "Vacancies on the board shall result when a member notifies the City Clerk of his/her resignation, or when an elected member moves and establishes residence outside of his/her election district, or when a commissioners appointment is revoked by the appointing city council member in writing with a minimum of 30 days notice." This will ensure that any terminations of appointment are done with advanced notice and will ensure against the conflicts of interest that may arise from last minute removals of commissioners

BE IT FURTHER RESOLVED that BMC 3.78.030 Vacancy and Removal Section B Sentence 1 be amended with the following or similar language.. "finish the unexpired term of the appointment. This vacancy appointment may not vote on commission items till the 2nd meeting following their appointment." This will ensure against the conflicts of interest that may arise from that last minute appointments made to affect the outcomes of votes.

BE IT FURTHER RESOLVED that BMC 3.78.040 Temporary Vacancies Sentence 3 shall be amended with the following language.. "remaining representatives of the poor, as long as that appointment is approved by at minimum of 3 representatives of the poor, if three representatives of the poor are not available then the temporary appointment may be voted on by a quorum of commissioners and may be approved by a majority of the quorum." This change ensures that any temporary vacancies on the Human Welfare and community Action Commission are approved by a minimum number of members of the commission, currently there is no defined number of voting members required.

BE IT FURTHER RESOLVED that BMC 3.78.050 officers,meeting, and procedures be amended with the following or similar language "E. City Council members will meet with the commissioner appointees in person, or via a phone call or online meeting every 6 months starting on the day of their appointment." This will help ensure better communication between council members and their appointees.

BE IT FURTHER RESOLVED by the city council of the city of Berkeley that the city manager and city attorney examine and changes necessary to apply the appropriate changes to the code in regards to all of the city's commissions



To: Honorable Mayor and Members of the City Council
From: Human Welfare and Community Action Commission
Submitted by: Praveen Sood, Chairperson, Human Welfare and Community Action Commission
Subject: Berkeley Community Fund

RECOMMENDATION

Adopt a Resolution requesting that the City Manager examine the creation of a fund that would allow people to make tax-deductible donations that would be disbursed through the city's community agency allocation process.

FISCAL IMPACTS OF RECOMMENDATION

There are possible costs associated with the actions recommended in regards establishing a funding mechanism and for ongoing management of the fund.

CURRENT SITUATION AND ITS EFFECTS

Currently, any person looking to support organizations that provide services to the citizens of Berkeley would have to evaluate and investigate these organizations on their own, and then donate to each organization individually. In addition, they wouldn't get the benefit of the ongoing monitoring that occurs through city staff.

BACKGROUND

The city of Berkeley has a well established system for reviewing, funding, and monitoring non profit organizations that provide a broad range of services to people in the city of Berkeley. By providing a formal mechanism, the city would be able to give citizens the opportunity to help provide funding to a wide organizations through a single vehicle. In addition to an easy donation system, people would also get access to organizations have gone through a vetting process with city commissions and employees and are monitored on a regular basis.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental impacts or opportunities associated the action suggested in this report.

RATIONALE FOR RECOMMENDATION

This fund would provide people with a single mechanism through which they could donate to a range of organizations that are reviewed, vetted, and monitored on a regular basis through the city of Berkeley. This would leverage existing processes to make it easier for people to make donations while providing a source of additional funds for community agencies.

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."

CONTACT PERSON

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Attachments:
1: Resolution

RESOLUTION NO. ##,###N.S.

Berkeley Community Fund

WHEREAS, the Human Welfare and Community Action Commission is organization within the city's commission program and works with city council to find ways to support programs that provides social services in the city of Berkeley

WHEREAS, the City currently has a process in place for locating, vetting, and monitoring programs

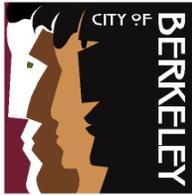
WHEREAS, many citizens would be interested in an easy to donate way to support organizations that provide services in the city of Berkley

NOW THEREFORE BE IT RESOLVED by the City Council of the city of Berkeley that the city manager examine the feasibility of creating a fund the allows people to make tax deductible cash donations that would then be added to the funding amounts available for allocation through the Berkeley Community Agency Allocations determined in the Berkeley Community Action Agency Action Plan.

BE IT FURTHER RESOLVED that 100% of the donations to the proposed fund should be allocated for agency funding

BE IT FURTHER RESOLVED that the total amount to be considered for allocation by each commission for its set of agency allocations be establish by city staff

BE IT FURTHER RESOLVED that the city should make a available a report on which community agencies received allocations from the fund and the amount of that allocation within 90 days of the completion of the funding allocations.



CITY COUNCIL

INFORMATION CALENDAR

January 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Councilmembers Linda Maio and Lori Droste

SUBJECT: Final Status Report on West Berkeley Industry

INTRODUCTION:

On January 20, 2015, the Berkeley City Council passed the following actions:

1. Councilmembers Linda Maio and Lori Droste to work with residents, businesses, and City Staff to review complaints and make good faith efforts to mitigate impacts in the areas where the City has authority such as noise and odors and to bring their findings back to City Council.
2. Direct the City Manager to enforce the terms of the Use Permit and the 1999 Settlement Agreement with the Oceanview Neighborhood Association.
3. If the City Manager and delegated staff or department finds the West Berkeley Lehigh Asphalt Company plant is not compliant with the Use Permit or the 1999 Settlement Agreement with the Oceanview Neighborhood Association, the City and its jurisdictional bodies or the appropriate authority implements corrective action and enforces the 1999 Settlement Agreement Use Permit immediately.

BACKGROUND

- On January 20, 2015, the City Council tasked Councilmembers Maio and Droste to review complaints made regarding air quality in West Berkeley. Subsequently, Councilmembers Maio and Droste discussed concerns with residents.
- On March 3, 2015, Councilmembers Maio and Droste, with City staff, conducted a tour of Pacific Steel Casting (PSC), and on March 27, 2015, Councilmembers Maio and Droste, with City staff, conducted a tour of Hanson.
- On May 7, 2015, Councilmembers Maio and Droste held a meeting with concerned neighbors.
- On May 26, 2015, City Council was provided a status update on residents' concerns, site visits and potential questions for a meeting with BAAQMD.
- On July 1, 2015, Councilmembers Maio and Droste, along with City staff, met with BAAQMD staff, including the Director of Compliance and Enforcement and Air Quality Manager.
- On July 14, 2015, City Council was provided a second status report on a meeting with BAAQMD as well as continuing discussion with industry and concerned residents.

- On October 30, 2015, City staff conducted an inspection of Hanson Aggregates Berkeley Asphalt & Ready Mix (Hanson) to check compliance with 1999 Settlement Agreement.
- On November 5, 2015, Councilmembers Maio and Droste, along with City staff, met with representatives of Hanson to get an update on the status of operations and review the City staff inspections.
- Councilmembers Maio and Droste received a memorandum, dated November 30, 2015, reporting the findings and determination of City staff regarding Hanson. [ATT. 1]

THIRD AND FINAL REPORT AND OUTCOMES

City staff has revisited the 1999 Settlement Agreement and found Hanson is in compliance:

“Based on staff inspections conducted on March 27, 2015 and on October 30, 2015, the Code Enforcement Unit finds that Hanson has complied with the 1999 Settlement Agreement and has sufficient measures in place to adequately mitigate potential noise and odor.”

Follow-ups from Status Report #2

- Hanson requiring customer trucks to tarp their loads (odor emissions).
 - *Councilmembers Maio and Droste revisited the suggestion that trucks be tarped as they exit Hanson. Hanson encourages customers to do so, with approximately 25% compliance and will continue to do so. Hanson also shared concerns of additional emissions escaping as trucks sit idle while they are being tarped.*
- Hanson installing new shrouds to mitigate emissions caused when the hot asphalt hits cold truck beds (odor emissions).
 - *Upon inspection, Hanson noted that implementing bigger shrouds is a safety hazard concern as they could block driver view. The Air District staff noted that they were looking into requiring a shroud over the entire loading area. However, with the transition to increasingly higher use of warm mix, with much lower volatile organic compounds, this may not be necessary. Odor complaints have decreased dramatically (zero confirmed complaints were reported from October 15, 2015 to December 13, 2015). We are hopeful that this trend continues.*
- Hanson and PSC meet with concerned citizens to begin a constructive dialogue and share information regarding evolving technologies and their operations as they relate to public health.
 - *Councilmembers Maio and Droste requested both businesses meet with concerned citizens. Some meetings have occurred. We continue to encourage community discussion.*

- Hanson and PSC post and provide information alerts to the City of Berkeley regarding production schedules, particularly when plants are most active. This information should be on their website and communicated, via link, to concerned residents.
 - *Businesses have provided detailed information regarding their operations and Council offices have shared that information to concerned citizens. Councilmembers have requested a link be established. Follow up will occur.*

- Regarding BAAQMD's response to 1) the Tetra Tech (2008) finding regarding the PSC Health Risk Assessment (HRA) and 2) how the Community Environmental Advisory Commission's (2007) air quality recommendations were acted upon.
 - *The City and TetraTech met with the EPA Office of Environmental Health Hazard Assessment (OEHHA) and the Air District when the HRA was in process (2008). The parties agreed that manganese, at least, should be the subject of additional health reviews. These must be undertaken by the District. The District reported in their meeting with Councilmembers Maio and Droste that all PSC air monitoring filters are regularly tested, some in real time, to ensure compliance with air quality standards.*

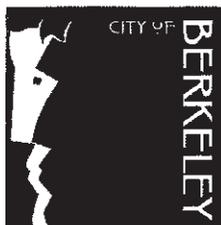
ATTACHMENTS

1. November 30, 2015 City Manager memo on Hanson Aggregates

CONTACT

Councilmember Linda Maio, District 1, 510-981-7110

Councilmember Lori Droste, District 8, 510-981-7180



Office of the City Manager

November 30, 2015

To: Councilmember Maio and Councilmember Droste

From: *DWR* Dee Williams-Ridley, Interim City Manager

Subject: Hanson Aggregates/Berkeley Asphalt

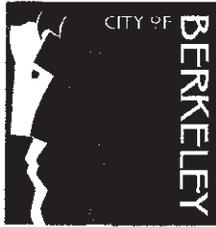
City Code Enforcement staff has reviewed current conditions and operating practices at the Lehigh Hanson asphalt facility at 699 Virginia Street based on the current Use Permit and conditions of the 1999 Settlement Agreement between Communities for a Better Environment and City of Berkeley. This Settlement Agreement directed the City to modify the Use Permit for the Berkeley Asphalt Company (now owned by Lehigh Hanson), imposing specified new conditions on their operations.

Staff attended an initial site visit on March 27th where Councilmembers Maio and Droste met with plant management to review current operation practices and steps they have taken to comply with the Settlement Agreement. Code Enforcement staff subsequently conducted a formal inspection on October 30, 2015 and again reviewed operations based on the Settlement Agreement. Staff's conclusion was that current operations are compliant with the terms of the Agreement and existing Use Permit conditions. Staff findings are described in the attached memo.

A key finding from conversations with plant management is that the plant has introduced a 'warm mix' production process for a large percentage of their output. This process emits significantly less odor than traditional production methods. It is anticipated that the warm mix process will be increasingly accepted by Lehigh Hanson's customers which will hopefully result in greater use of this process in the future.

Please let me know if you have any further questions.

Attachment: Code Inspection Memo



Office of the City Manager
Neighborhood Services-Enforcement Division

MEMORANDUM

November 25, 2015

To: Michael Caplan, Economic Development Manager, Office of Economic Development

From: Pamela Johnson, Code Enforcement Officer

Subject: 699 Virginia Street – 1999 Settlement Agreement with Oceanview Neighborhood Association

Background

Code Enforcement has been tasked with reviewing the 1999 Settlement Agreement between the City of Berkeley, Berkeley Asphalt Company (currently operating as West Berkeley Lehigh Hanson Asphalt Company), and the Communities For a Better Environment, Oceanview Neighborhood Association.

1999 Settlement Agreement

Other than the 1999 Settlement Agreement, staff could not locate record of a revised agreement; therefore, it appears that the 1999 Settlement Agreement is still in effect. The 1999 Settlement Agreement, upon writ, was to Modify Use Permit No. 3033 to incorporate conditions and requirements which are summarized below:

- Truck Traffic Measures;
- Traffic Compliance Checklist;
- Mechanism for receiving complaints about truck traffic;
- Air Quality Measures to minimize dust generated at the facility, including vacuum sweeping, washing truck tires, placing tarp on vehicles leaving the facility;
- Establishing Housekeeping and Maintenance Checklist;
- Establishing a Procedural Handbook detailing procedures for performing housekeeping and maintenance measures;

- Noise reduction measures;
- Noise Checklist;
- Mechanism for receiving complaints about noise, a copy of which is to be sent to the Zoning Compliance Officer monthly;
- Odor Reduction Measures;
- Establishing an Odor Checklist.

Post Settlement Agreement and Inspections

Code Enforcement Officer Pamela Johnson and Assistant Planner Nicholas McIlroy conducted a site inspection on October 30, 2015 and observed the following conditions:

- Upon arrival at the site at 8:50 a.m. odors were not discernable across the street from the site. Directly in front of the driveway on Virginia there was mild vehicle fumes and inside the property, directly in front of the office, a smell of burnt coffee.
- At 9:05 a.m. at the beginning of the inspection, there were no discernable odors present.
- At 9:25 a.m. at the end of the inspection, there were no discernable odors present.

Code Enforcement Staff met with Plant Manager Seth Watkins and reviewed the items outlined in the 1999 Settlement Agreement, page 7, Item #20 Odors (a) through (g); Item #14 Tarps, and the Odor Checklist.

1999 Settlement Agreement Item	Description	How do they comply
Item #20 (a)	Enclose truck loading operations	Plastic enclosure
Item #20 (b)	Vent vapors to baghouse	Vents in place
Item #20 (c)	One time odor audit	Voluntarily done 3 times per year
Item #20 (d)	Close leaks in conveyor to silos	This has been done
Item #20 (e)	Add condensers to 2 storage tanks	This has been done
Item #20 (f)	Follow good engineering practices	These measures are a part of their operations
Item #14	Encourage tarps on trucks	Used approximately 25%
Odor Checklist	10 items on checklist	Included in daily operations

Seth Watkins stated that West Berkeley Lehigh Hanson (Hanson) has recently switched to a warm mix in February of 2015 which allows Hanson to produce the asphalt at a lower temperature which means less emissions and less odor. Other measures taken to mitigate noise and odor are as follows:

- Wet aggregate requires drying before it is mixed. Hanson keeps all dust contained by running it through the scavenger fan. Without the fan, dust would be prevalent the area.
- Drivers are encouraged to tarp, however, trucks typically tarp less than 25%. Tarping is used to keep the mix warm until drivers get to their job sites and most job sites are close enough to the plant and tarps are not needed. In addition, tarping is not air tight and does may not prevent odors.
- Hanson monitors operations from a control room which is staffed at all times. If emissions change, for example a discoloration of plume from white to grey signaling a torn bag, staff would be notified immediately and the bag would be replaced.
- Hanson voluntarily hires a sound consultant three times a year and they are willing to provide reports if requested.
- The sound curtains along the perimeter of the plant were replace in 2013.
- A muffler on the exhaust was rebuilt in September 2015.

Based on staff inspections conducted on March 27, 2015 and on October 30, 2015, the Code Enforcement Unit finds that Hanson has complied with the 1999 Settlement agreement and has sufficient measures in place to adequately mitigate potential noise and odor.