

FIRST 5 FRESNO COUNTY

ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

DATE: Wednesday, December 6, 2023

Lighthouse for Children

TIME: 11:30 a.m. – Regular Meeting

2405 Tulare Street

Fresno, CA 93721

AGENDA

| ITEM | SUBJECT | PRESENTER |
|---------------------------------------|---|--|
| 1. | CALL TO ORDER | Chair Pacheco |
| 2. | POTENTIAL CONFLICTS OF INTEREST Any Commission Member who has potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter. | Chair Pacheco |
| 3. Action Pg. 1 | CONSENT AGENDA – ITEMS 3a-3d See attached Consent Agenda. Overview: These matters are routine in nature and are usually approved by a single vote. Prior to action by the Commission, the public will be given the opportunity to comment on any Consent Item. | Chair Pacheco F. González, E.D. |
| 4. Public Hearing Pg. 44 | PUBLIC HEARING – FIRST 5 FRESNO COUNTY 2020-2025 STRATEGIC PLAN Overview: Required annual public hearing to review the First 5 Fresno County 2020-2025 Strategic Plan. Community members may obtain copies of the Strategic Plan online at www.first5fresno.org (https://first5fresno.org/wp-content/uploads/2023/06/First-5-Fresno-County-2020-2025-Strategic-Plan.pdf) or by contacting the Commission office at: 2405 Tulare Street Suite 200, Fresno, CA 93721. Phone: (559) 558-4900 | Chair Pacheco F. González, E.D. |
| 5. Action Pg. 45 | FINANCIAL REPORT FOR PERIOD ENDING SEPTEMBER 2023 Supporting Documents | F. González, E.D. A. Hillis, Staff |
| 6. Action Pg. 52 | AGREEMENT RENEWAL WITH FRESNO COUNTY DEPARTMENT OF SOCIAL SERVICES – NEIGHBORHOOD RESOURCE CENTERS | F. González, E.D. H. Norman, Staff |
| 7. Information | SLEEP SAFE BABY PUBLIC AND AWARENESS CAMPAIGN UPDATE | F. González, E.D. C.J. Hernandez, Staff |
| 8. Information Pg. 54 | EXECUTIVE DIRECTOR’S REPORT Supporting Document | F. González, E.D. |
| 9. Information | PUBLIC COMMENT Limit two minutes per speaker. Public Comment is also taken on individual agenda items throughout the meeting at the conclusion of each agenda item. | Chair Pacheco |
| 10. Information | ANNOUNCEMENTS / INFORMATION SHARING | Chair Pacheco |
| 11. | ADJOURNMENT | Chair Pacheco |
| <u>NOTE:</u> | NEXT REGULAR MEETING – JANUARY 24, 2024 | 2405 Tulare St. Fresno, CA 93721 |

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CONSENT AGENDA

(Any Commissioner may pull any Consent Item for discussion or separate vote.)

| ITEM | SUBJECT | PRESENTER |
|---------------------------------------|---|---------------------------------------|
| 3a. Action Pg. 2 | MINUTES FROM OCTOBER 30, 2023 REGULAR COMMISSION MEETING Supporting Document | F. González, E.D. |
| 3b. Action Pg. 5 | AGENCY POLICIES AND PROCEDURES – ANNUAL REVIEW Supporting Documents | F. González, E.D. A. Hillis, Staff |
| 3c. Action Pg. 42 | AGREEMENT WITH FRESNO COUNTY SUPERINTENDENT OF SCHOOLS FOR THE HELP ME GROW FRESNO COUNTY CENTRALIZED ACCESS POINT | F. González, E.D. H. Norman, Staff |

We encourage the public to attend. If you have a disability and need accommodations to participate in a meeting, please contact the Commission office at (559) 558-4900 at least 48 hours prior to the start of the meeting. Government Code Section 54954.2(a).

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

CONSENT AGENDA ITEM NO. 3a

RECOMMENDED ACTION:

Approve the October 30, 2023, Commission Meeting Minutes.

ACTION SUMMARY MINUTES

October 30, 2023 – 12:30 p.m.

PRESENT: Brian Pacheco, Kari Gilbert, Sabrina Beavers., Susan Holt

ABSENT: Hugo Morales, Dr. Marcia Sablan

STAFF: Fabiola González, Ashley Hensley, Alix Hillis, Kendalyn Mack-Franklin, Luis Magallanes, Hannah Norman, Lupita Ramírez, Karen Rangel, Lilita Salcedo, Ken Price (Legal Counsel)

1. CALL TO ORDER

2. POTENTIAL CONFLICTS OF INTEREST: Any Commission Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.

3. CONSENT AGENDA – ITEMS 3a-3d

Public Comment: None heard.

Motion by: Gilbert Second by: Beavers

Ayes: Gilbert, Beavers, Holt, Pacheco

Noes: None heard.

4. PUBLIC HEARING - STATE ANNUAL REPORT AND FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2022-2023

Public Comment: None heard.

No action required.

5. STATE ANNUAL REPORT AND FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2022-2023

Public Comment: None heard.

Motion by: Gilbert Second by: Holt
Ayes: Gilbert, Beavers, Holt, Pacheco
Noes: None heard.

6. CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION DEOBLIGATION OF FUNDS

Public Comment: None heard.

Motion by: Beavers Second by: Gilbert
Ayes: Gilbert, Beavers, Holt, Pacheco
Noes: None heard.

7. COMMUNITY EVENT SPONSORSHIP PROGRAM

Public Comment: None heard.

Motion by: Holt Second by: Gilbert
Ayes: Gilbert, Beavers, Holt, Pacheco
Noes: None heard.

8. CHILDREN AND FAMILIES POLICY UPDATE

Public Comment: None heard.

No action required.

9. EXECUTIVE DIRECTOR'S REPORT

Public Comment: None heard.

No action required.

10. PUBLIC COMMENT

Public Comment: None heard.

No action required.

11. ANNOUNCEMENTS/INFORMATION SHARING

Public Comment: None heard.

No action required.

12. ADJOURNMENT

Public Comment: None heard.

Motion by: Gilbert Second by: Beavers

Ayes: Gilbert, Beavers, Holt, Pacheco

Noes: None heard.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

CONSENT AGENDA ITEM NO. 3b

TO: Children & Families Commission of Fresno County

FROM: Fabiola González, Executive Director

SUBJECT: Agency Policies and Procedures - Annual Review

RECOMMENDED ACTION:

Review and approve the updated (1) Investment Policy, (2) Travel Policies and Procedures Manual, and (3) Procurement Policies and Procedures Manual.

BACKGROUND:

On November 27, 2023, this item was approved for full Commission consideration by the Finance and Program Review Committee.

On an annual basis, internal policies and procedures are reviewed to incorporate potential legislation, general practices, and any other updates. This year, updates to the Investment Policy, the Travel Policies and Procedures and the Procurement Policies and Procedures Manual are being presented. Updates to the remaining internal policies will be presented after the first of the year.

1. Investment Policy:

The Commission's Investment Policy provides the framework for investment decision-making for the future of the Commission. In collaboration with PFM Asset Management, LLC, the Commission's investment firm, staff review and update the Investment Policy annually to ensure internal procedures align with the First 5 Association Financial Management Guide, Governmental Accounting Standards Board (GASB), and industry standards. The following updates are presented for your review and approval:

- Updates to two sections taking effect since our last review within Government Code section 53601 to address new Code language:
 - Page 7, Section 10, subsection "o": Authorized & Suitable Investments
 - Page 8, Section 11: added language regarding Ineligible Investments
 - Page 8, Section 14: Maximum Maturity

2. Travel Policies and Procedures Manual:

The Commission's Travel Policies and Procedures ensure official travel taken on behalf of the Commission is accomplished in a manner that meets business needs and minimizes cost. The following updates are presented for review and approval:

- Section 8 – Transportation Expenses: added guidance on practice for travelers to pay for cost difference between most economical travel and travel taken when opting for alternate travel method.

- Section 8, A.4 - Transportation by Aircraft: For safety reasons, a range of miles for travel by aircraft to be considered was added.
- Section 8, A.2 - Auto Allowance: Clarifying language for auto allowance coverage.
- Section 9, A - Lodging Expenses: Added safety guidance for when lodging could be utilized for travel with distance and start time considered.

3. Procurement Policies and Procedures Manual:

The Commission is required by ordinance to develop and adhere to procurement policies and procedures related to its purchasing of and/or contracting for goods and services that are consistent with applicable federal and state laws and regulations. Commission staff and Legal Counsel reviewed and recommend the following updates for review and approval:

- Section E., 3 - Financial Dependents/Relatives: Added language to be clear on financials dependents of Commissioners or Commission Staff who can/ cannot respond to procurement opportunities.

Fiscal Impact: Action on this agenda item will have no fiscal impact.

CONCLUSION:

Annual review and updates to Commission's policies ensure efficiency, further transparency, cost effectiveness, and internal controls. If approved, the revised policies will be finalized for use.



Investment Policy

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1. Objective

This investment policy provides the framework for decision-making in the investment approach for the future of the Children & Families Commission of Fresno County (the Commission).

2. Policy

The investment policies and practices of the Commission are based on state law and prudent money management. All funds will be invested in accordance with the Commission's Investment Policy and Section 53600 et seq. of the California Government Code. The Commission will invest its funds in a manner that will attain a rate of return consistent with safety and liquidity considerations.

3. Scope

This Investment Policy applies to all funds of the Commission. These funds are accounted for in the Commission's annual audited financial report.

4. Prudence

All persons authorized to make investment decisions on behalf of the Commission are considered trustees and therefore fiduciaries who are subject to the prudent investor standard established by state law, Title 5, Section 53600.3

This standard shall be applied in the context of managing an overall portfolio. Commissioners, the Executive Director and/or designee, and Commission staff, acting in accordance with the Commission's written Accounting Policies and Procedures Manual and Investment Policy and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

5. Objectives

The primary objectives, in priority order, of the Commission's investment activities shall be:

- a) Safety: Safety of principal is the foremost objective of the investment program. Investments of the Commission shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio. Investments may be made in securities of high quality to avoid credit risk and loss of principal. Investments susceptible to wide price fluctuations due to market volatility shall be avoided.
- b) Liquidity: The Commission's investment portfolio will remain sufficiently liquid to enable the Commission to meet any operating requirements that might be reasonably anticipated or respond to opportunities for investments arising from changing market conditions.
- c) Return on Investments: The Commission's investment portfolio shall be designed with the objective of attaining a market rate of return throughout economic cycles commensurate with the Commission's investment risk constraints and cash flow considerations.

6. Delegation of Authority

The Commission's Bylaws state the authority to manage the Commission's investment program is assigned as follows: Management responsibility of the investment program is hereby delegated to the Commissioners of the Commission. The Commissioners have delegated management of the

investment program to the Executive Director and/or designee who shall maintain written procedures for the operation of the investment program consistent with this Investment Policy.

The Commission may delegate its investment decision making and execution authority to an investment advisor. The advisor shall follow the policy statement and such other written instructions as are provided.

7. Ethics and Conflicts of Interest

Commissioners, Executive Director and/or designee, and Commission staff involved in the investment process shall refrain from personal business activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

8. Borrowing for Purposes of Making Investments

The Commission is prohibited from the practice of borrowing for the sole purpose of making investments.

9. Authorized Financial Dealers and Institutions

To provide for the optimum yield in the Commission's portfolio, the Commission's procedures are designed to encourage competitive bidding on transactions from an approved list of broker/dealers.

The Executive Director and/or designee, or the Commission's investment advisor, shall maintain a list of authorized broker/dealers and financial institutions that are approved for investment purposes. The maintenance of this list will require a comprehensive credit and capitalization analysis to indicate if the firm is adequately financed to conduct business with public entities. It is the policy of the Commission to purchase securities only from those authorized institutions or firms.

10. Authorized & Suitable Investments

- a) United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.
- b) Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
- c) Obligations of the State of California or any local agency within the state, including bonds payable solely out of revenues from a revenue-producing property owned, controlled or operated by the state or any local agency or by a department, Commission, agency or authority of the state or any local agency. Obligations eligible for investment under this subdivision shall be rated in a category of "AA" or better, or the equivalent, by a nationally recognized statistical rating organization (NRSRO).
- d) Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California. Obligations eligible for investment under this subdivision shall be rated in a category of "AA" or better, or the equivalent, by an NRSRO.
- e) Repurchase Agreements used solely as short-term investments not to exceed 30 days.

The Commission may enter into Repurchase Agreements with primary dealers in U.S. Government securities who are eligible to transact business with, and who report to, the Federal Reserve Bank of New York.

The following collateral restrictions will be observed: Only U.S. Treasury securities or Federal Agency securities, as described in VII. 1 and 2 will be acceptable collateral. All securities underlying Repurchase Agreements must be delivered to the Commission's custodian bank versus payment or be handled under a properly executed tri-party repurchase agreement. The total market value of all collateral for each Repurchase Agreement must equal or exceed, 102 percent of the total dollar value of the money invested by the Commission for the term of the investment. For any Repurchase Agreement with a term of more than one day, the value of the underlying securities must be reviewed at least weekly. Since the market value of the underlying securities is subject to daily market fluctuations, the investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102 percent no later than the next business day.

Market value must be calculated each time there is a substitution of collateral.

The Commission or its trustee shall have a perfected first security interest under the Uniform Commercial Code in all securities subject to Repurchase Agreement.

The Commission will have properly executed a Public Securities Association (PSA) agreement with each counter party with which it enters into Repurchase Agreements.

- f) Banker's Acceptances otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of Banker's Acceptances may not exceed 180 days maturity or 40 percent of the Commission's investment portfolio. No more than 10 percent of the Commission's investment portfolio may be invested in the Banker's Acceptances of any one commercial bank.
- g) Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by an NRSRO. The entity that issues the commercial paper shall meet all the conditions in either paragraph (i) or paragraph (ii) below:
 - i. The entity meets the following criteria:
 - 1. Is organized and operating in the United States as a general corporation.
 - 2. Has total assets in excess of five hundred million dollars (\$500,000,000).
 - 3. Has debt other than commercial paper, if any, that is rated in a category of "A", its equivalent or higher, by an NRSRO.
 - ii. The entity meets the following criteria:
 - 1. Is organized within the United States as a special purpose corporation, trust, or limited liability company.
 - 2. Has program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond.
 - 3. Has commercial paper that is rated "A-1" or higher, or the equivalent, by an NRSRO.

Purchases of eligible commercial paper may not exceed 270 days maturity.

Purchases of commercial paper may not exceed 25 percent of the Commission's investment portfolio and the Commission may invest no more than 10 percent of its total investment assets in the commercial paper and the medium-term notes of any single issuer.

- h) Medium-term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium-term corporate notes shall be in a rating category of "A", or its equivalent, or better by an NRSRO.

Purchase of medium-term corporate notes may not exceed 30 percent of the Commission's investment portfolio and the Commission may invest no more than 10 percent of its total investment assets in the commercial paper and the medium-term notes of any single issuer.

- i) Federal Deposit Insurance Corporation (FDIC) insured or fully collateralized time certificates of deposit in financial institutions located in California, including U.S. branches of foreign banks licensed to do business in California. All time deposits must be collateralized in accordance with California Government Code section 53630 et seq, either at 150% by promissory notes secured by first mortgages and first trust deeds upon improved residential property in California eligible under section (m) or at 110% by eligible marketable securities listed in subsections (a) through (l) and (n) and (o). The Commission, at its discretion and by majority vote of the Commissioners, on a quarterly basis, may waive the collateralization requirements for any portion of the deposit that is covered by federal insurance.
- j) Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank; provided that the senior debt obligations of the issuing institution are rated in a rating category of "A" or better, or the equivalent, by an NRSRO.

The Commissioners, Executive Director and/or designee, or other officials of the Commission having legal custody of the Commission's money are prohibited from investing the Commission's funds, or funds in the custody of the Commission, in negotiable certificates of deposit issued by a state or federal credit union if a member of the Commission or any person with investment decision making authority is a part of staff, serves on the board, or any committee appointed by the board, the credit committee, or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.

Purchase of negotiable certificates of deposit may not exceed 30 percent of the Commission's investment portfolio.

- k) State of California's Local Agency Investment Fund (LAIF): Investment in LAIF may not exceed the maximum set by the Local Investment Advisory Board. LAIF shall be reviewed periodically.
- l) The Fresno County Treasury Pool.

- m) Insured savings account or bank money market account. In accordance with California Government Code Section 53635.2 to be eligible to receive local agency deposits a financial institution must have received a minimum overall satisfactory rating for meeting the credit needs of California Communities in its most recent evaluation.
- n) Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a-1, et seq.). To be eligible for investment pursuant to this subdivision, these companies shall either: (1) attain the highest-ranking letter or numerical rating provided by no less than two NRSROs or (2) have an investment advisor registered or exempt from registration with the Securities and Exchange Commission with no less than five years experience managing money market mutual funds and with assets under management in excess of five hundred million dollars (\$500,000,000).

The purchase price of shares shall not exceed 15 percent of the investment portfolio of the Commission.

- o) A mortgage passthrough security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable passthrough certificate, or consumer receivable-backed bond.

Securities eligible for investment under this subdivision not issued or guaranteed by an agency or issuer identified in subdivision (a) or (b), the following limitations apply:

- i. Securities shall be rated in a rating category of “AA” or its equivalent or better by an NRSRO and have a maximum remaining maturity of five years or less.

- ii. Purchase of securities authorized by this subdivision-paragraph shall not exceed 20 percent of the agency’s surplus moneys that may be invested pursuant to this section.

- o)p) Shares of beneficial interest issued by a joint powers authority organized pursuant to California Government Code Section 6509.7 that invests in the securities and obligations authorized in California Government Code 53601 subdivisions (a) to (q), inclusive. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares shall have retained an investment adviser that meets all of the following criteria: (1) The adviser is registered or exempt from registration with the Securities and Exchange Commission; (2) The adviser has no less than five years of experience investing in the securities and obligations authorized in California Government Code 53601 subdivisions (a) to (q), inclusive; (3) The adviser has assets under management in excess of five hundred million dollars (\$500,000,000). This investment must be rated AAA, or the equivalent as provided for by an NRSRO.

- p)q) United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments under this subdivision shall be rated in a rating category of “AA” or better, or the equivalent, by an NRSRO and shall not exceed 30 percent of the Commission’s moneys that may be invested pursuant to this section.

Credit criteria and maximum percentages listed in this section refer to the credit of the issuing organization at the time the security is purchased. The Commission may from time to time be invested in a security whose rating is downgraded. In the event a rating drops below the minimum allowed rating category for that given investment type, the investment advisor shall notify the Executive Director and/or designee and recommend a plan of action. The Executive Director and/or designee shall immediately notify the Commission Chair or Treasurer of both the downgrade and the investment advisor's recommendation.

11. Ineligible Investments

The Commission shall not invest any funds in inverse floaters, range notes, or interest-only strips that are derived from a pool of mortgages, or in any security that could result in zero interest accrual if held to maturity.

Notwithstanding the prohibition in the above paragraph, the Commission may invest in securities issued by, or backed by, the United States government that could result in zero- or negative-interest accrual if held to maturity, in the event of, and for the duration of, a period of negative market interest rates. The Commission may hold these instruments until their maturity dates. This permission shall remain in effect only until January 1, 2026, and as of that date is repealed.

A security purchased in accordance with this Policy shall not have a forward settlement date exceeding 45 days from the time of investment.

12. External Investment Managers

The Commission may contract with external investment managers to provide investment management services. These managers may be hired to actively invest funds not needed for liquidity. The Commission's benchmark is the Merrill Lynch 1-5-year U. S. Treasury Note Index.

External investment managers are required to provide timely reports to ensure that the manager's actions comply with the requirements of the law and this Investment Policy.

The manager's performance shall be reviewed against the agreed upon benchmarks.

13. Diversification

The investments of the Commission shall be diversified by security type and institution.

14. Maximum Maturity

Investment maturities shall be based on a review of cash flow forecasts. Maturities will be scheduled to permit the Commission to meet all projected obligations.

The maximum maturity will be no more than five (5) years from purchase date to maturity date. For purposes of compliance with this Policy an investment's term or remaining maturity shall be measured from the settlement date to final maturity.

15. Safekeeping and Custody

The assets of the Commission shall be secured through the third-party custody and safekeeping procedures. Bearer instruments shall be held only through third-party institutions. Collateralized securities such as repurchase agreements shall be purchased using the delivery vs. payment procedure.

16. Internal Control

The investments shall be subject to an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with the Commission's Investment Policy.

17. Performance Standards

Performance of the investments of the Commission will be reflected in financial reports from the investment manager's quarterly reports.

The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout economic cycles, commensurate with investment risk constraints and cash flow needs.

18. Market Yield/ Benchmark

The Commission's investment strategy is active. Given this strategy, the benchmark used to compare returns will be the ICE Bank of America Merrill Lynch 1-5-year U. S. Treasury note index. The benchmark may change over time based on changes in market conditions or cash flow requirements.

19. Reporting

The Commission's contracted investment advisor is required to provide timely reports to the Commission that provide a clear picture of the status of the current investment portfolio. The investment report shall include comments on the fixed income and equity markets and economic conditions, discussions regarding restriction on percentage of investment by categories, possible changes in the portfolio structure going forward and thoughts on investment strategies.

The Executive Director and/or designee may provide an investment report to the Commission at minimum on an annual basis (CA law, Government Code Section 53646(a)(2)). The report shall include the following information for each individual investment:

- Description of investment instrument
- Issuer name
- Yield on cost
- Purchase date
- Maturity date
- Purchase price
- Par Value
- Current market value and the source of the valuation

The report also shall (i) state compliance of the portfolio to the Investment Policy Statement, or manner in which the portfolio is not in compliance, (ii) include a description of any of the Commission's funds, investments or programs that are under the management of contracted parties, including lending programs, and (iii) include a statement denoting the ability of the Commission to meet its expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

20. Investment Policy Adaptations

The Executive Director and/or designee may annually render or review the Investment Policy to/with the Commission. Any updates to the policy shall be considered by the Commission at a public meeting.

21. Trading and Sales of Investments

Permitted investments may be purchased with the intent of holding them until maturity. However, in an effort to increase the total return of the portfolio (and subject always to the investing objectives of this Policy), permitted investments may be sold prior to their maturities when economic

circumstances warrant a sale of the securities to enhance the Commission's overall portfolio quality, duration, yield, and/or total return.

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Glossary

AGENCIES: Federal agency securities and/or Government-sponsored enterprises.

ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR): The official annual report of the *Commission*.

ASKED: The price at which securities are offered.

BANKERS' ACCEPTANCE (BA): A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

BENCHMARK: A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BID: The price offered by a buyer of securities. (When you are selling securities, you ask for a bid.) See Offer.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a Certificate. Large-denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property, which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per entity.

FEDERAL FUNDS RATE: The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks), which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages.

FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven-member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FHA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes. LOCAL GOVERNMENT

INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase—reverse repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

OFFER: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid

PORTFOLIO: Collection of securities held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state—the so-called legal list. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED PUBLIC DEPOSITORIES: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

RATE OF RETURN: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond the current income return.

REPURCHASE AGREEMENT (REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this.

REVERSE REPURCHASE AGREEMENT (REVERSE REPO): A reverse-repurchase agreement (reverse repo) involves an investor borrowing cash from a financial institution in exchange for securities. The investor agrees to repurchase the securities at a specified date for the same cash value plus an agreed upon interest rate. Although the transaction is similar to a repo, the purpose of entering into a reverse repo is quite different. While a repo is a straightforward investment of public funds, the reverse repo is a borrowing.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15(C)3-1: See Uniform Net Capital Rule.

STRUCTURED NOTES: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations, which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all

money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.



Travel Policies and Procedures Manual

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1. **Objective**

Official travel taken on behalf of the Children and Families Commission of Fresno County (“the Commission”) must be accomplished in a manner that meets business needs and minimizes the cost to the Commission, while also adhering to general California travel guidelines and guidelines of the U.S. General Services Administration (GSA) all while taking into consideration the safety of the Commissions employees.

2. **Policy**

All official Commission travel shall be properly authorized, reported, and reimbursed in accordance with this document. Commission travelers are expected to exercise good judgment in the use of public funds. Personal travel is not to be charged to, or partially funded by, the Commission.

3. **Scope & Authority**

This policy applies to all official Commission travel, regardless of funding sources, and includes special rules for non-employees, and board members (Commissioners). These procedures apply to all employees and representatives, authorized to travel on Commission business. The Executive Director of the Commission or designee is authorized to issue interpretations and take other actions appropriate to implement provisions of these procedures.

4. **Definitions**

For the purposes of these procedures, the following definitions will apply:

A. Headquarters:

The place where the employee spends the largest portion of regular workdays or the place where the employee returns on completion of special assignments. For all employees, headquarters will be the Commission office.

B. Residence:

A place of primary dwelling shall be designated for each employee. The primary dwelling shall be defined as the actual dwelling place of the employee.

C. Travel Expenses:

Expenses that are ordinary and necessary to accomplish official business purposes of a trip. Travel expenses include:

1. Subsistence Expenses.

Subsistence expenses include charges for meals, lodging and charges for personal expenses incurred while on travel status.

2. Business Expenses:

Business expenses consist of charges for business phone calls and communications, supply purchases and all other charges necessary to complete official business.

D. Employee:

Employees include full-time and part-time Commission employees.

E. Meal and Incidental Expense (M&IE):

M&IE and prorated M&IE are allowed when the traveler is on travel status for more than 12 hours in a 24-hour period. The M&IE amount is to cover the cost of meals and necessary incidental expenses including tips, laundry expenses, etc.

5. **Authorization to Travel**

- A. All official Commission travel must have prior approval. Out of state travel requests must be requested 60 days prior to the first day of travel and local travel requests must be requested 15 business days prior to travel date. In rare circumstances the Executive Director can waive the 60 or 15 day notice.
- B. All travel requests must be submitted using the Conference/Training Travel Request Form (the Form). The Form is used to request attendance for a conference or training and outline details of travel. The completed Form must be submitted to the designated staff to create a cost estimate. Once the cost estimate is complete, the Form is forwarded to the designee(s) responsible for budget monitoring to review and affirm that the estimate is within budget constraints. The Form is then forwarded for approval by the traveler's supervisor and final approval by the Executive Director or designee.
- C. Travel requests for the Executive Director will be approved by the Commission Chair.

6. **Payment of Travel (Travel Expense Claim Procedure)**

- A. Prepaid expenses for employees must be charged directly to the Commission whenever possible. These prepaid expenses are required to be documented in the Travel Expense Form upon completion of travel.
- B. Original, supporting receipts and the Form must be attached to Travel Expense Form and submitted to the designee responsible for budget monitoring within five working days of the date the expenses were incurred. The designated staff will complete a Travel Expense Form and submit to the traveler, who will then forward to their supervisor for approval. For final approval, the Executive Director or designee will review and sign off. Receipts submitted beyond the five days will not be reimbursed unless there are extraordinary circumstances that justify the late submission.
- C. All expense claims shall be properly itemized, accompanied by the original, supporting receipts and approved by the traveler's supervisor via signature. The supervisor approving the claim is responsible for determining the necessity and reasonableness of the travel claim and that adequate documentation is attached to support the claim. The Executive Director or designee may disallow unreasonable, unapproved, or excessive travel expenses claimed.
- D. No travel expense reimbursement shall be paid unless submitted on a Travel Expense Form.
- E. Travel expense claims from the Executive Director will be approved by the Commission Chair and reported at the next regular Commission meeting.

- F. In order to meet Internal Revenue Service (IRS) requirements, the Travel Expense Form must include:
 - 1. The inclusive dates for each trip and the times of departure and return.
 - 2. The purpose or objective of each trip.
 - 3. The headquarters' address and the primary dwelling address.
 - 4. Certification that the travel expenses were incurred in accordance with Commission policies and on official business of the Commission. In the Conference/Training Travel Request Form, the traveler must explain how the training or conference supports their role within the Commission and how it aligns with the Commission's Strategic Plan.
 - 5. An itemized list of expenditures such as transportation, lodging and/or meals.
 - 6. The destination, location or area of travel. Use the name and address of each destination. General destinations such as "Fresno and vicinity" are not acceptable.
- G. In the case where receipts cannot be obtained or have been lost, a statement, in memoranda form, to that effect should be made and attached to the Travel Expense Form.
- H. Travel advances must be noted and deducted from subsequent reimbursements. (See section 11 regarding travel advances.)
- I. Reimbursable expenses, as outlined in this Policy, are offered to Commission employees. If an employee chooses to forgo the offered travel accommodations, (rental car, room arrangements, etc.) the Commission is not responsible to cover the expenses.

7. Per Diem Subsistence Allowance

In computing the per diem subsistence allowance for authorized travel lasting more than 12 hours in any 24-hour period, the following maximum reimbursements will be allowed for expenses incurred out of county:

- A. *Meals and Incidental Expenses (M&IE)*: The following table shows the general breakdown of breakfast, lunch, and dinner components of the maximum *daily* reimbursement (per diem) rates for meals and incidental expenses while on travel status. **The M&IE rates differ by travel location, departure and actual return time. View the [per diem rate](#) of your primary destination in order to determine which M&IE rates applies.** Refer to the current fiscal year Domestic Per Diem Rates issued by the U.S. General Services Administration (GSA) Department for guidance on deducting these amounts from per diem reimbursement claims.

The appropriate M&IE for a day is the rate prescribed for the community in which the traveler is receiving the training or conference. On the day of return, a traveler is entitled to the M&IE applicable for the preceding day. On the day of departure and return, the traveler receives a prorated M&IE based upon scheduled departure and actual return times as follows:

| Day of Departure | | | |
|-----------------------|----------------|----------------|-----------------|
| Departure Time | Before 9:00 AM | Before 2:00 PM | Before 11:00 PM |
| M&IE | Full Day | Lunch & Dinner | Dinner |

| Day of Return | | | |
|--------------------|-----------|-------------------|---------------|
| Return Time | 12:00 PM | Before 5:00 PM | After 5:01 PM |
| M&IE | Breakfast | Breakfast & Lunch | Full Day |

In circumstances where the traveler is required by the airline to report to the terminal more than two hours prior to departure, the traveler is to state on the travel expense claim the additional time required by the airline and the traveler's actual check in time. This additional time (beyond two hours) is added to the departure time in the above table to allow the traveler an M&IE as may be appropriate. For example, if the airline required the traveler to report three hours before flight time, the "Before 9:00 AM" departure time would be adjusted to "Before 10:00 AM."

- B. *Meals provided to travelers:* Occasionally, a traveler is provided with a meal while at a conference, training seminar, etc., or as part of a lodging package or included as part of the conference/meeting. When a traveler is provided with a meal in these or similar circumstances, the traveler is not eligible for the related M&IE allowance.

8. Transportation Expenses

Travelers are responsible to coordinate transportation arrangements with the designated staff responsible. Travelers are expected to make every effort to obtain the most economical rates, use the most economical mode of transportation, and use the most usually traveled route consistent with the purpose of the trip.

Transportation expenses consist of the charges for commercial airline fares; vehicle rental; private car mileage allowances; overnight and day parking for cars; bridge and road tolls; taxi, bus, streetcar, train, rideshare, micro-mobility transportation, rapid transit fares; and all other charges essential to the transport to and from the Commission's official headquarters. Reimbursement will be made only for the approved method of transportation that is in the best interest of the Commission, considering both the direct expense as well as the traveler's time. [Travelers may opt out of the most reasonable/economical travel method but may be required to pay the difference between the most reasonable/economical travel method and the method selected.](#)

A. Transportation by Automobile

Reasonable charges for necessary parking, as well as charges for ferries, bridges, tunnels, or toll roads while on official travel or away from regular duties, may be claimed. Travelers must submit

proof of liability coverage for use of their privately-owned automobile use for business prior to the date of travel. Minimum prescribed liability insurance coverage under this policy is:

- \$15,000 for personal injury to, or death of, one person
- \$30,000 for injury to, or death of, two or more persons in one accident
- \$5,000 for property damage

1. *Privately Owned Automobiles:* Employees are required to conform to public policy regarding fiscal responsibility. Travelers will utilize their privately-owned automobile if this mode of travel is deemed as the most reasonable.
2. *Mileage Reimbursement:* Mileage reimbursement is intended to cover the cost of routine repairs, tires, gasoline, and other automobile expense items due to use for Commission business. Travelers will be reimbursed, via the Mileage Reimbursement Form, the maximum current rate that is approved by the IRS for use of their privately-owned vehicle. Mileage shall ordinarily be computed between the traveler's workstation and the common destination or airline terminal. Expense claims between the traveler's residence and the Commission's headquarters will not be allowed. However, mileage expenses shall be allowed between the traveler's residence and/or headquarters whichever is less to the destination or common airline terminal, if business travel for the Commission originates or terminates during a regularly scheduled day off. When a traveler is authorized to drive a private vehicle to or from a common airline terminal, mileage may be reimbursed as follows:
 - One round trip, including parking for the duration of the trip; or
 - Two round trips, including short-term parking expenses, when an employee is driven to the airport or picked-up from the airport.
3. *Auto Allowance:* At the discretion of the board members (Commissioners), the Executive Director may receive auto allowance for usage of his or her private vehicle and out-of-pocket travel expenses for activities performed in representing the Commission. An Auto Allowance will be [budgeted within the Commission's agency budget and](#) paid via payroll services and is offered in lieu of mileage reimbursement, etc. [Travel for Commission business under 190 miles \(one way\) is covered under this allowance.](#) As detailed in this policy, liability coverage requirements apply.
4. *Vehicle Rental:* Vehicle rentals may be used when, in a specific situation, it's considered more advantageous to the Commission than the use of taxis or other means of transportation. Travelers are responsible to coordinate travel arrangements with the designated staff responsible. Commission Staff is responsible for obtaining the best available rate through corporate accounts that meets the requirements of the trip. Vehicle rental costs will be billed directly to the Commission whenever possible. Reimbursement for actual and necessary costs of fuel will be made to the traveler. No reimbursement will be made if a traveler authorizes non-staff drivers without prior approval of the Executive Director or designee.
 - Receipts are required to be submitted for vehicle rental and fuel.
 - A cost-efficient economy or [compact-midsize](#) rental car shall be the category used by travelers, [if a traveler chooses to upgrade, the employee must pay the difference between the economy/midsize and the selected car.](#) —Further

justification will be required for larger vehicles. A larger vehicle may be paid for by the Commission if more than four travelers will be traveling together.

B. Transportation by Aircraft

Travelers are responsible to coordinate travel arrangements with the designated staff responsible to obtain the best possible rate. As with all travel types, it is the Commission's policy to be cost-conscious when booking airline travel. Tickets and associated booking fees will be purchased and paid in advance by the Commission. When it is necessary for the traveler to coordinate their own travel (except as described in section 1 below), they will be reimbursed for the ticket price and associated fees for use of a commercial airline so long as the travel is for Commission business. Travel by aircraft shall be considered when it is the most reasonable or economical option or when travel to the destination is greater than roughly 190 miles (one way) from First 5 Fresno County's primary office. A traveler may still opt for ground travel.

1. *Indirect or Interrupted Itineraries.* Travelers are responsible for any additional expenses resulting from the use of an indirect route or stops along the way for personal reasons. Reimbursement is limited to the actual costs incurred or to the costs that would have been incurred using the normally traveled route and dates, whichever is less. Any excess of personal travel time will be charged to the traveler's accrued Paid Time Off hours. Travelers are responsible to ensure early arrival to the air terminal for the purpose of completing processes required for travel by aircraft (check-in, security screening, etc.). If a flight is missed as a result of the traveler's oversight, the traveler will bear responsibility for any additional costs.
2. *Use of Ground Transportation in Lieu of Air Travel.* A traveler may choose to use ground transportation, for personal reasons even if air travel is the appropriate mode of transportation. In that case, reimbursement may not exceed the amount for airfare the Commission would have paid if air travel had been used, plus the normal cost of ground transportation to and from airports. The cost of meals, lodging, tolls, ferries, and parking while in transit via ground transportation may be reimbursed if the total amount reimbursed does not exceed the cost of airfare that would have been paid plus cost of potential ground transportation to and from at the air terminal.
3. *Extended Travel to Save Costs.* Additional expenses associated with extended travel in order to save costs (e.g., Saturday night stay for domestic travel), may be reimbursed when the cost of airfare would be less than that of the cost of airfare had the traveler not extended the trip. Such expenses, which include lodging, car rental, and M&IE, shall not exceed the amount the Commission would have paid, had the traveler not extended the trip.
4. *Cancelled or Postponed Travel.* In the event airline travel booked for Commission business is cancelled or postponed, the traveler must notify their supervisor immediately. Any airline credit or reimbursement, because of the disruption, shall be returned to the Commission. In the event travel is rescheduled, the traveler shall restart the estimate and authorization to travel process.

- C. No reimbursement will be made for the following transportation expenses:

- Expenses arising from travel between the traveler’s residence and Commission headquarters
- Personal travel to and from hotel lodging (i.e. shopping, restaurants, etc.)
- Traffic/parking tickets or fines
- Expenses for spouses/family/friends traveling with the traveler
- First class airfares and/or seat or boarding priority upgrades
- Motorcycle transportation costs
- Overweight checked baggage fee

9. Lodging Expenses

Travelers are responsible for coordinating lodging arrangements and verifying the reasonableness of the accommodations with the designated staff. Lodging rates should be comparable to those arising from the use of good, moderately priced establishments catering to the general public. As with all travel expenses, arrangements should be made in advance using the Commission credit card whenever possible. This may require the traveler to request from and return to the lodging company, a Credit Card Authorization Form. Reasonable lodging expenses supported by a receipt are reimbursable. Actual lodging expenses will be allowed when documented by an itemized receipt that indicates how the expense was paid. Credit card receipts are not acceptable as many charges could be included that are not reimbursable lodging expenses. Travelers are asked to include a receipt from the lodging company in their Travel Expense Form.

- A. Hotel accommodations prior to a conference, meeting, etc. are acceptable when the start time is 9:00 AM or earlier AND travel time is more than 3 hours or flights are not available. Hotel accommodations are acceptable after a conference, meeting, etc. if estimated ground travel return time is later than 8 PM and driver will travel more than 90 miles. Estimated time of arrival should not include time added due to personal deviations.
- B. An incidental allowance of \$5.00 per day may be claimed for each complete 24-hour period while on official travel status. This allowance is designed to cover incidental expenses including, but not limited to laundry, dry cleaning, personal phone calls, and fees and tips for waiters and baggage handlers. Receipts are not required for incidentals. It is not designed to include cab fares and business telephone calls for which reimbursement may be claimed. Details regarding incidentals should be defaulted to guidelines on the [GSA website](#).
- C. Business related meals must follow the Accounting Policies and Procedures Manual (“the Accounting Policies”) and cannot be claimed on the Travel Expense Form. If permissible per the Accounting Policies, a Payment Authorization Form must be used for this type of claim.
- D. No reimbursement will be made for room service, valet services, or liquor/bar bills.

10. Miscellaneous Travel Expenses

Miscellaneous travel expenses are reimbursable when they are ordinary and necessary to accomplish the official business purpose of a trip. The Travel Expense Form must include an

explanation of why such expenditures are being claimed and at minimum have verbal pre-authorization from the traveler's supervisor and/or the Executive Director or designee.

Allowable miscellaneous expenses include the following: Business office expenses such as word processing services; equipment rentals; fax and computer expenses; copy/print services; overnight delivery/postage; purchase of materials and supplies (when normal purchasing procedures cannot be followed); internet charges; checked baggage (when deemed necessary); books, supplies, and materials that pertain to the Commission's mission.

11. **Travel Advances**

A Payment Authorization Form and written request must be completed and approved by the traveler's supervisor and the Executive Director or designee for an advance on travel expenses. The completed Form and documentation must be submitted no later than 10 days prior to the travel/training. Cash advances will be issued within 10 days of when an expense is to be paid or incurred in order to satisfy IRS regulations. The amount requested shall not exceed seventy-five percent (75%) of the reasonably estimated out-of-pocket expenses needed for the trip.

Travel advances issued must be deducted when the Travel Expense Form is submitted for the concluded trip. Travel advances in excess of itemized expenses must be repaid by the traveler to the Commission within 30 days from the end of the trip. No new travel advances or expense reimbursements will be issued to an individual who has an outstanding travel advance repayment more than 30 days old. The travel advance must be repaid to the Commission immediately when a trip is cancelled or postponed.

Since a traveler should have only one outstanding cash advance at a time each advance should be accounted for before another advance is granted. The traveler must submit a Travel Expense Form even if he or she is not owed any additional reimbursement, in order to document the business purpose for which the advance was issued and the final expense amount of the trip.

12. **Commissioners**

Except for those specifically covered in statute, each day that a Commissioner is in travel status for business of the Commission, the member is entitled to reimbursement for travel expenses to the same extent, in the same manner, and under the same conditions as provided to employees.

Commissioners are also entitled to receive reimbursement for attending monthly meetings and/or special events on behalf of the Commission as outlined in this policy.

13. **Travel Expenses for Non-Employees**

The Commission will reimburse non-employees, for business related travel and expenses made on behalf of the Commission. Prior written approval from the Executive Director is required.

Non-employees traveling or incurring business related expenses for the Commission are required to comply with this policy. Reimbursement will be issued in accordance with the procedures outlined above. Travel expenses properly substantiated, documented and reported on the Travel Expense Form will not be reported by the Commission to the IRS as income. A non-employee's signature is not required on the Travel Expense Form provided some accompanying correspondence or email is attached outlining the expenses that have been

incurred and requesting reimbursement. A signed W-9 and EFT (Electronic Funds Transfer) form should be attached if the person is a U.S. citizen and is being paid by the Commission for the first time. Amounts exceeding the substantiated business expenses that are not accounted for within a reasonable period of time, are reportable to the IRS on Form 1099.

14. **Commission Travel Claim Review Responsibilities**

Prior to reimbursement for business related travel and expenses, the Commission's staff responsible for operations will review all travel claims in order to:

- Ensure compliance with the Commission's and all other appropriate policies
- Ensure that per diem rates are adhered to
- Ensure that supporting documentation matches the travel claim request
- Ensure that all claims have been properly approved with an original or electronic signature
- Ensure that all travel advances are timely and properly deducted or reimbursed by/to the Commission

Failure to comply with this policy will result in follow up with the traveler which may cause a delay in processing the reimbursement. An attempt will be made to communicate any discrepancies to the traveler and/or the travel claim will be returned to the claimant for completion. If discrepancies cannot be resolved, it may result in discipline.



Procurement Policies and Procedures Manual

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PURPOSE

The purpose of the Children and Families Commission of Fresno County (the Commission) Procurement Policies and Procedures Manual is to document the Commission's policies and procedures related to its purchasing of and/or contracting for administrative and programmatic goods and services. Fresno County Ordinance **99-009**, Section **2.38.020**, item (E) states "The Commission shall develop purchasing and contracting policies and procedures consistent with applicable Federal and State laws and regulations." Similarly, the Commission is required by law to abide by section *130140(d)(4)(B)* of the Health and Safety Code, which requires county commissions to adopt, in a public hearing, contracting and procurement policies consistent with State law. This includes, but is not limited to, Government Code sections *54201-54205*, Public Contract Code sections *2000-2002, 3410* and *22150-22154*, and California Labor Code section 1771, *et seq.*

STATEMENT

The Commission recognizes the importance of diversity of vendors/contractors that reflects the communities the Commission serves and, as such, is committed to ensuring that its procurement opportunities are implemented in an equitable way.

PROCUREMENT

A. Public Works Projects

In the event that the Commission desires to enter into a Public Works Contract, as defined in Public Contract Code section 1101, the Commission shall comply with those provisions described in Article 3.5 of the Public Contract Code (§20120 *et. seq.*). The Commission shall be the final decision-maker with respect to all Public Works Contracts.

B. Informal and Formal Competitive Purchases for Goods and Services

1. **Thresholds & Executive Director Signing Authority**

Purchases for goods and services for the operations of the Commission are authorized by the Executive Director and/or the Commission. The competitive procurement process shall be used to acquire goods and services based upon the following dollar thresholds:

| For Purchases | Type of Procurement | Required # of Proposals/Quotes | Minimum Approval Required |
|---------------------------|------------------------|--------------------------------|---|
| \$0.01 to \$3,000.00 | N/A - Routine Purchase | N/A | Executive Director or designee |
| \$3,000.01 to \$50,000.00 | Informal | Three (3) | a. Executive Director approval up to \$10,000.00 b. Full Commission approval \$10,000.01 and greater |
| \$50,000.01 and greater | Formal | No Minimum | Full Commission |

Purchases \$3,000.00 or less are considered routine (day-to-day) and do not require proposals or quotes. These purchases can be made by using a Commission credit card with the Executive Director's (or designee's) approval so long as they meet the requirements otherwise described in this policy and that of the Commission's Accounting Policies and Procedures Manual.

The Executive Director (or designee) shall have authority to execute contracts for amounts less than \$10,000.01 without prior Commission approval. The Executive Director shall inform the Commission during the regular Commission meeting immediately following the execution of a contract within the Executive Director's signing authority of (i) the subject matter of the contract; (ii) the amount and term of the contract; and (iii) the contracting parties. Neither the Commission nor its staff shall piecemeal contracts in an effort to make the contract amounts fall below any particular monetary threshold.

2. Informal Selection Process

The informal selection process allows the Commission staff to obtain a written price and scope of work via ~~fax~~, e-mail, or other writing by at least three vendors for goods or services valued at \$50,000.00 or less. The vendor that best fits the Commission's needs, using price, quality, and/or the ability to provide deliverables within the Commission's timeframe as the primary factors shall be selected. If the Commission is unable to obtain at least three written quotations, staff shall document accordingly and provide as much available information to the Commission regarding why it could not obtain the minimum number of quotations. The Commission reserves the right to use a formal procurement process for purchases \$50,000.00 or less, especially if there is uncertainty about the types of goods or services the Commission is seeking to obtain. All agreements resulting from the informal selection process require Legal Counsel review prior to execution.

3. Formal Procurement Process for Administrative Goods or Services

For formal procurements, the Commission will use a Request for Proposals (RFP) or a Request for Quotations (or Qualifications) (RFQ), as best determined by the Commission or its staff. All contracts entered into as a result of the formal procurement process shall be approved by the Commission, receive Legal Counsel's review and sign-off prior to obtaining the signature from the Executive Director and the Commission Chair (or designee).

(a) An RFP is used when the Commission cannot precisely set forth its needs. Rather than including specifications, the Commission shall provide vendors a statement of work and the vendors are then asked to propose solutions. The RFP will detail what items the vendors are to submit, the desired qualifications of the vendor, the cost of their proposals, how the Commission will evaluate the proposals, select the vendor, and develop the contract. The RFP award is based upon various factors, including the lowest price, expertise of the proposer, and/or technical superiority of the proposal as compared to the other proposals submitted to the Commission. Proposals in response to an RFP are subject to negotiation after they have been submitted to the Commission.

(b) An RFQ is used when the Commission has determined precisely what goods and services it needs. Similar to an RFP, an RFQ award is not necessarily based upon the lowest price, but upon a service or good that best fits the requirements within a reasonable proximity to the other proposals submitted to the Commission. The terms contained in an RFQ are typically not negotiable.

4. Formal Procurement Process for Programmatic Services

For formal procurements, the Commission will use a RFP, RFQ, or Request for Applications (RFA) as best determined by the Commission or staff. All agreements resulting from the formal procurement process for programmatic services shall be approved by the Commission and receive Legal Counsel's review and sign-off prior to obtaining signature from the Executive Director and the Commission Chair (or designee).

- (a) The RFP is used when the Commission cannot precisely set forth its needs. Rather than including specifications, the Commission shall provide proposed grantees a statement of work and the proposed grantees are then asked to propose solutions. The RFP will detail what items the proposed grantees are to submit, the desired qualifications of the proposer, the cost of their proposals, how the Commission will evaluate the proposals, select the proposed grantee, and develop the contract. The RFP award is based upon various factors, including the lowest price, expertise of the proposer, cultural responsiveness, innovation of approach, and/or demonstrated technical ability of the proposal as compared to the other proposals submitted to the Commission. Proposals in response to an RFP are subject to negotiation after they have been submitted to the Commission.
- (b) An RFA is a formal announcement by the Commission of an opportunity to apply for funds with specific strategies and parameters in order to achieve the Commission's strategic goals and outcomes. An RFA contains specific requirements regarding the application and evaluation processes, and how such funds shall be used. Proposals in response to an RFA are subject to negotiation after they have been submitted to the Commission.
- (c) An RFQ is used when the Commission has determined precisely what services it needs. Similar to an RFP, an RFQ award is not necessarily based upon the lowest price, but upon a service or good that best fits the requirements within a reasonable proximity to the other proposals submitted to the Commission. The terms contained in an RFQ are typically not negotiable.
- (d) Intent to Partner (ITP): With respect to programmatic RFPs or RFAs, the Commission may select certain service providers by engaging in community-based planning efforts in which stakeholders come together for the purpose of identifying specific needs and the providers best able to meet those needs. Funds should not be awarded during these meetings. The natural bias toward competitive procurement should apply and any exceptions should adhere to the guidelines outlined in this procedure.

C. Public Notice

It is the Commission's policy to provide notice to the public of all formal procurement opportunities. Such notices shall be posted publicly to ensure competition. Public notice will be on the Commission's website, and when determined by staff to achieve the greatest response, in a trade newspaper or business journal or other appropriate medium, and/or posted via the internet on public online exchanges. Print and electronic publication shall be no less than the day of the release of the procurement opportunity, when possible. The Commission may opt to create and maintain a vendor list for specific professional services so long as such vendor(s) have been selected through informal or formal selection process, as the case may be. Commission staff shall keep evidence of posting of such notices as part of the project.

D. Contacts During Procurement Period

As of the issue date of the RFP/RFQ/RFA and continuing through the public notification of the award, all Commission staff and Commissioners are specifically directed not to hold any unscheduled meetings, conferences, or technical discussions regarding the RFP/RFQ/RFA with prospective service providers or vendors. "Off the record" contact can potentially taint the Commission's decision-making process.

Proposers may only contact the individual identified in the RFP/RFQ/RFA as the point of contact in response to any matter pertaining to that RFP/RFQ/RFA. Proposers are prohibited from directly contacting any other

Commission staff member or Commissioner regarding any matter directly or indirectly related to the RFP/RFQ/RFA. Such prohibited contact may result in disqualification of the potential contractor's proposal.

Proposers are encouraged to review the Commission's Conflict of Interest Policy found on the Commission's website.

E. Limitations on Those Who May Submit Proposals

1. No Subcontractors or Consultants

No consultant or subcontractor who provides advice to the Commission for a project may submit a proposal for an RFP/RFQ/RFA for the same project. This prohibition does not include those who may have engaged in generalized discussions with Commission staff or Commissioners regarding the Commission's Strategic Plan investments, outside of the direct development and release of procurement opportunity documents.

2. No Conflicts of Interest

Pursuant to the Commission's Conflict of Interest Policy and Conflict of Interest Code no Commissioner or Commission staff may make, participate in making, or use their official position to influence the making of any governmental decision which may have a direct or indirect foreseeable material financial effect on that respective Commissioner or staff person. Therefore, no entity in which a Commissioner or staff person has a material financial interest may submit a proposal to the Commission.

Additionally, any Commissioner or designated staff running for elected office must immediately disclose and recuse themselves from any Commission matter or action involving a contributor (whether direct or in-kind) to the campaign of that Commissioner or Commission staff. Under no circumstances may Commission staff accept a campaign contribution (whether direct or in-kind) from a Commission contractor in which that staff member has direct or indirect oversight over that contractor's service, contract, or activities. Commissioners and Commission staff are strongly encouraged to seek guidance from the Commission's Legal Counsel if there are any questions regarding the requirements contained in this paragraph. The violation of this provision may result in disciplinary action for Commission staff and dismissal for Commissioners.

3. Financial Dependents/Relatives

A financial dependent of a Commissioner or Commission staff, who has a material financial interest, may not respond to any Commission procurement. Relatives (which shall include, but not be limited to, spouses, parents, adult children, siblings, aunts and uncles) of Commissioners or Commission staff who are not dependents are discouraged from responding to any Commission procurement. If a Commission staff person becomes aware that his or her non-financially dependent relative has submitted or will submit a proposal, that staff person shall immediately disclose the existence of this relationship to the Executive Director and/or the Commission. Moreover, that staff person shall immediately be screened from the proposal process and such relationship shall be disclosed to the Commission prior to any approval by the Commission. If a Commissioner is aware that his or her non-financially dependent relative has submitted or will submit a proposal, that Commissioner shall disclose the relationship at a public meeting and may choose to recuse himself or herself from any part of the decision-making process on any Commission procurement.

F. Disallowed Costs

The Commission shall not reimburse any potential contractors for any expenses that potential contractor incurs in the preparation of a proposal to the Commission. A potential contractor is solely responsible for his/her/its own costs regarding preparation of and submitting any proposal.

G. Time and Due Date

The amount of time proposers may prepare their responses to formal procurement opportunities shall be determined by the Commission but, shall be no less than ten (10) calendar days after release of RFP/RFQ/RFA and shall provide sufficient time for proposers to prepare and submit their proposals. The Commission reserves the right to amend the proposal due date. Such changes shall be issued in writing in the form of an addendum to all prospective proposers who received the original request documents and posted on the Commission's website. The Commission shall timestamp all proposals it receives, or if the RFP/RFQ/RFA allows for electronic submission, staff shall keep evidence of the date and time such electronic correspondence is received. The Commission will make reasonable effort to have multiple submission options available to help meet proposers' needs. The Commission IS NOT RESPONSIBLE IF IT DOES NOT RECEIVE A PROPOSER'S ELECTRONIC SUBMISSION.

H. Addendum of Procurement Opportunities

The Commission reserves the right to amend any RFP/RFQ/RFA. The Commission shall make a reasonable effort to provide all vendors who received an RFP/RFQ/RFA with written notice of such action. Any oral interpretations of contract specifications by any Commissioner or staff to the vendor regarding terms or conditions shall not be binding on the Commission.

I. Mistakes in Proposals Prior to Submission Deadline

Mistakes in proposals detected prior to the submission deadline may be corrected by the proposer by withdrawing the original and submitting a corrected proposal to the Commission *before* the due date. Alternatively, the proposer or an authorized representative may correct the mistake on the face of the original proposal, provided that such revision occurs prior to the due date and time and, in the Commission's sole judgment, the revision is not ambiguous and resolves the mistake. A corrected proposal must follow the time and due date procedures in Section G above. The Commission will not accept corrections to proposals after the proposal time and due date unless otherwise outlined in the procurement document (e.g. a four-hour window to submit missing supportive documents).

J. Acceptance, Review, and Selection

Proposals shall be accepted without alteration or correction, except as authorized in this policy, and shall be evaluated based upon the requirements set forth in the RFP/RFQ/RFA, which may include certain criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the proposal's price and be considered in the evaluation for award, shall be objectively measurable, such as discounts, transportation costs and total or life cycle costs.

The Commission shall assign a staff person to facilitate the creation of a selection committee and/or process to review the proposals. Commission staff may participate in the selection committee as applicable to the procurement opportunity in order to provide contracting history, institutional insight, and guidance of the Commission's Strategic Plan. The contract file shall contain a written explanation of the selection decision.

Points may be assigned to portions of procurement documents to aid in the scoring of submissions. If a required component of a submission is not included in the submission or submitted as specified in the procurement document, the submission may not automatically be rejected. In such an event, the omitted/incorrectly submitted piece(s) may result in partial points being awarded to the proposal.

The Executive Director, or designee, shall make a final recommendation to the Commission based on the results of the selection committee. The Executive Director, or designee, shall notify all proposers of the recommendation no less than five (5) weekdays before the Commission approves the award. Final approval of the award shall be made by the Commission.

All contracts and purchases shall be based strictly upon the face value of the proposals received. The Commission shall not factor into its procurement selection any hidden rebates, discounts, and other price considerations not described in the proposals.

A formal award notification shall be issued to the selected vendor, specifying the amount awarded and indicating that funds will be released upon compliance of a signed contract establishing the terms and conditions of all parties. Non-selected vendors shall receive written notice of the Commission's action. Commission staff shall keep evidence of the sent award and non-selection letters as part of the project.

K. Notice of Cancellation or Rejection of Proposals

The Commission may, at its discretion, cancel or reject any or all proposals. In the event of such a cancellation or rejection, all proposers shall be notified in writing as soon as possible and the reason(s) shall be documented in the procurement file.

L. Determination of Non-Responsiveness

Failure of a proposer to promptly supply information requested by the Commission may be grounds for the Commission to determine that the proposer is non-responsive, in which case the proposal may be rejected.

M. Disclosure of Results

After the award by the Commission, all submissions received by the Commission shall be open to public inspection at the offices of the Commission during normal business hours or by electronic means, as agreed to by Commission staff. The Commission shall keep the non-selected proposals for a minimum of two (2) years after the completion of the project. **The Commission is subject to the California Public Records Act ("CPRA") and the submitters must assume that any submission it submits to the Commission is subject to disclosure under the CPRA. The Commission assumes no responsibility for the confidentiality of any information provided in the proposals.** The Commission shall not retain, during the normal course of its activities, the identity of any proposal reviewer. The Commission may retain blind scoring sheets and documents containing feedback of each proposal. The disclosure of such materials shall be in accordance with the CPRA. The Commission shall not disclose any records during a procurement or the Commission reasonably anticipates that procurement opportunity will be released by the Commission within the next 60 days, that could result in an unfair advantage to any submitter.

N. Protests

1. **Formal Procurement or Commission Approved Informal Purchases:** Upon notice by the Commission of a proposed award, any proposer may file a formal written protest regarding a potential or recent procurement by the Commission. The protest shall be filed in writing with the Executive Director no later than forty-eight hours before the day of the meeting at which the

Commission is scheduled to (i) award the subject contract or (ii) approve or disapprove a purchase that requires approval pursuant to the informal selection process described in Section 2 above. The protest shall contain the exact basis for the protest, and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought. The protest should provide evidence that the award violated the Commission's procurement procedures or State law. Mere disagreement with the decision of the Commission or Executive Director shall not be the basis for a successful protest. Commission staff shall keep record, according to its record retention practices, of any and all protests made by proposers.

2. **Informal Procurement Under \$10,000.01:** Upon notice by the Commission of a proposed award of a procurement not going before the Commission, any proposer may file a formal written protest regarding a potential procurement. The protest shall be filed in writing with the Executive Director no later than forty-eight hours after the notice of award. The protest shall contain the exact basis for the protest, and proof that the protester is a viable and responsible provider of the supplies, equipment or services sought. The protest should provide evidence that the award violated the Commission's procurement procedures or State law. Mere disagreement with the decision of the Commission or Executive Director shall not be the basis for a successful protest. The Executive Director shall make a determination as to a protest to an informal procurement. A proposer may file an appeal of such determination with the Commission. Commission staff shall keep record, according to its record retention practices, of any and all protests made by proposers.

O. **Exceptions to a Competitive Selection Process**

All goods and services shall be procured by an informal or formal competitive selection process unless the Commission or the Executive Director determines that one or more of the circumstances described below is satisfied. The Commission shall document, in writing, the justification for using such an exception.

1. **Sole Source Procurement:** The Commission may procure materials or services that are available from only one source. In order for the Commission to justify a sole source procurement, one or more of the following factors must be present:
 - a. The vendor capabilities and experiences are so unique (including the vendor's possession of patents or trademarked materials) that no other vendor may comparably meet the Commission's needs;
 - b. Only one product is available to reasonably meet the Commission's needs; ~~or and~~
 - c. Only one vendor has the ability to provide goods or services to the Commission within the Commission's required time frame.
2. **Emergency:** Emergency purchases may be made by the Executive Director or designee when the materials or services so purchased are necessary to continue Commission operations or services. Such emergency purchases shall be submitted to the Commission for ratification at its next regular Commission meeting. The Commission expects the use of such emergency purchases to be seldom used.
3. **State or County Vendors:** The Commission may use a vendor under a leveraged purchase agreement without a competitive selection process if the leveraged purchase agreement itself was procured via a competitive selection and the vendor accepts the same terms as those contained in the leveraged purchase agreement.

4. **External Grant Opportunity:** From time to time, the Commission may apply for competitive or non-competitive grant opportunities and submit such applications within a short window of time. On such occasions, the Commission may, at its discretion, partner with contractors selected without a competitive process. While the Commission will make every effort to adhere to the requirements under this policy, there may be circumstances where Commission staff may, at its discretion, hold grant submission development conversations and/or select a subcontractor or designee in order to submit a strong application in a timely manner. This provision shall only apply to contractors providing services. It shall not apply to public works contracts.

P. Strategic Plan

All contractors must provide services in a manner consistent with the objectives in the Commission's current Strategic Plan. In order to carry out these objectives, the Commission may, from time to time and in its sole discretion, request that a contractor work with other Commission-affiliated service providers in order to integrate the services into other programs funded directly or indirectly by the Commission. All contractors must make reasonable efforts to comply with the Commission's request.

Q. Funded Partner Manual

With respect to RFPs/RFQs/RFAs, contractors must comply with all policies and procedures set forth in the Commission's Funded Partner Manual. The Commission may review and amend the Funded Partner Manual as the Commission considers necessary in its sole discretion. The Manual can be found on the Commission's website at <https://www.first5fresno.org/commission-documents/>.

R. Commission Business Continuation

In the event of an emergency and the Commission is unable to convene to take action (i.e. natural disaster or a pandemic deemed by the applicable local, state or federal governmental entities), the Commission Chair and/or Vice Chair, in concert with the Executive Director, or designee, may approve contracts for the sole purposes of ensuring that agency business and services may continue during such times of emergency. Any such actions shall be brought to the Commission at the next regular Commission meeting after such an event. Any agreement executed under these circumstances shall contain a provision stating that, in the event the Commission fails to affirm the terms in the contract, the contract may be terminated by the Commission without penalty.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

CONSENT AGENDA ITEM NO. 3c

TO: Children & Families Commission of Fresno County

FROM: Fabiola González, Executive Director

SUBJECT: Agreement with Fresno County Superintendent of Schools for the Help Me Grow Fresno County Centralized Access Point

RECOMMENDED ACTION:

Approve an agreement with Fresno County Superintendent of Schools (FCSS) to continue serving as the Help Me Grow Fresno County (HMG FC) Centralized Access Point (CAP) as the regional HMG implementation process unfolds, in an amount not to exceed \$200,000 for one year.

BACKGROUND:

On November 27, 2023, this item was approved for full Commission consideration by the Finance and Program Review Committee.

The intent of the California Children and Families Act that created First 5 commissions across the state is “to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of information and services to enhance optimal early childhood development and to ensure that children are ready to enter school” (section 130110-130158 of the California Health and Safety Code). To this end, the Commission has invested in HMG FC since its inception. HMG is a national system model that promotes cross-sector collaboration to build efficient and effective early childhood systems that support the healthiest development of young children.

In August 2019 the Commission approved an agreement with FCSS to serve as the HMG FC CAP in an amount not to exceed \$300,000 for 10 months, with the option to renew for an additional three years. The CAP provides a centralized resource and referral hub, in the form of a call center and online tool to assist families in understanding the developmental needs of their children and to identify community resources that will provide appropriate intervention services. Per the HMG National Center, the CAP is seen as the linchpin, or cornerstone, to the HMG system.

This past spring, Valley Children’s Healthcare (a member of the HMG FC Leadership Team), launched a strategic planning process with First 5 Commissions and community stakeholders across the Central Valley to identify opportunities to strengthen the Help Me Grow early childhood service system through regional collaboration. The regional plan was recently finalized in November 2023, outlining the structural elements needed regionally and locally to implement a Help Me Grow Central Valley model. Following the adoption of the plan, the region now needs to formalize which parties take on these key roles and responsibilities. Valley Children’s Healthcare continues to lead these critical

conversations with regional First 5 and community partners in alignment with the regional development plan.

While these infrastructure steps unfold it is critical that Fresno County's CAP does not go dormant, and families and providers continue to have access to this service. To mitigate disruption of services and allow time for implementing next steps following the regional strategic planning process, it is staff's recommendation to approve a year-long agreement with FCSS to continue operating the CAP, including required reporting to Help Me Grow National as a HMG affiliate, and support the alignment of the Fresno County CAP with the unfolding transition to a regional HMG partnership. The current agreement is set to term on December 31, 2023.

Procurement Background: In June 2019, the Commission released the Help Me Grow Fresno County – Centralized Access Point Request for Qualifications (RFQ) to identify an agency to serve as the CAP for HMG FC. Submissions meeting the minimum criteria moved forward for review by a panel of community reviewers. The community reviewers scored each submission, provided feedback to guide the proposed contractual partnership, and ultimately recommended FCSS move forward to the Commission for funding consideration based on their demonstrated qualifications and knowledge of HMG to meet the expectations of a CAP and their ability to sustain and fund the CAP beyond Proposition 10 funds.

Alignment with Strategic Plan: HMG FC aligns with the Help Me Grow Fresno County investment area of the Commission's current Strategic Plan in support of a coordinated system of services and assistance available to families to support the healthiest development of young children.

Fiscal Impact: Funds for this agreement will be allocated from the Commission's Fiscal Year 2023-2024 Approved Budget under the Help Me Grow Fresno County – Strategic Plan Investment Area in an amount not to exceed \$200,000 for one year.

CONCLUSION:

As the crux of the HMG FC system, holding a CAP is key to the full implementation and success of the early childhood system of care in Fresno County. If the Commission determines not to move forward with this recommendation, Commission staff will work with the HMG FC Leadership Team to determine alternate strategies to ensure families are connected to appropriate services within the system while regional planning continues.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

AGENDA ITEM NO. 4

TO: Children & Families Commission of Fresno County
FROM: Fabiola González, Executive Director
SUBJECT: Public Hearing on the First 5 Fresno County 2020-2025 Strategic Plan

BACKGROUND:

Each fiscal year the Commission is required by statute to conduct a public hearing to review its current Strategic Plan to receive testimony from interested members of the public. In a public hearing, the members of the community are permitted to offer comments, and Commissioners are not obliged to act on them or, typically, to respond publicly.

A copy of the 2020-2025 Strategic Plan is available on the Commission's website and will be available during the meeting.

The chair will open and close the public hearing period. There is no further action required on this item.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

AGENDA ITEM NO. 5

TO: Children & Families Commission of Fresno County

FROM: Fabiola González, Executive Director

SUBJECT: Financial Report for Period Ending September 2023

RECOMMENDED ACTION:

Accept the financial report for period ending September 30, 2023.

BACKGROUND:

This item is intended to keep the Commission apprised of financial activity as of September 30, 2023 (25% of the year) and to provide an opportunity to discuss and review financial activities for the reporting period.

KEY POINTS:

The following are key points of the attached financials for context.

Revenues: \$923,184 (11% received)

- Proposition 10 Revenue: \$641,091 (9% received) - First 5 California has only reported Proposition 10 revenue through July 2023.
- Investment Earnings (Unrealized Gains/Losses): \$31,487 (126% received) - The Commission anticipates earnings/gains on our Investment Fund each year. Year to date, the Fund has experienced gains. Fluctuation is anticipated due to an ever-changing market.

Operating Expense: \$436,087 (26% of budget expensed) - All expenses are within budget limits.

- Dues & Subscriptions Expense: \$28,621 (83% of budget expensed) - Dues to the First 5 Association, the main portion of the expense line, have been paid for the year.
- Insurance Expense: \$158,682 (104% of budget expensed) - All annual insurance premiums have been paid for the year and, as with the market trends, coverage costs have increased. This line item will be balance out during the budget revision process.

Strategic Plan Investments Areas: \$891,941 (17% of budget committed/assigned) - Development of contracts and awards are on target and within budget constraints.

Accountability and Evaluation: \$450,000 (100% of budget committed) – Contracts for the evaluation contractor and the program database have been fully awarded for the fiscal year.

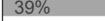
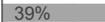
Externally Funded Programs: \$36,830 (4% of budget expensed) – These dollars represent expenses on contracts from external funding. First 5 CA IMPACT and First 5 IMPACT Hub expenses are reported only twice a year which cause this portion of the budget to show as underspent.

Continuing Service Provider Expenses: \$273,796 (7% of budget disbursed) – These funds represent the contracts the Commission committed in previous fiscal years, for multi-year contracts, and are still being spent out. Expenses for quarter one of the fiscal year are reported in October. Further expenditures will show in subsequent periods.

FISCAL IMPACT:

Overall, expenses are within budget constraints for fiscal year 2023-2024.

**FIRST 5 FRESNO COUNTY
FINANCIAL REPORT | SEPTEMBER 2023 (25%)**

| | <u>Budget</u> | <u>Actual/Awarded</u> | <u>Variance</u> | <u>Budget Performance</u> |
|--|------------------------------|------------------------------|-----------------|--|
| | <u>07/01/2023-06/30/2024</u> | <u>07/01/2023-09/30/2023</u> | | <u>Budget Target (25%)</u> |
| Revenues | | | | |
| Proposition 10 Revenue | \$7,068,509 | \$641,091 | 9% | 9%  |
| External Revenue | | | | |
| <i>First 5 CA IMPACT Revenue</i> | \$613,164 | \$135,336 | 22% | 22%  |
| <i>First 5 CA Refugee Support Funding</i> | \$93,622 | \$41,754 | 45% | 45%  |
| <i>County PDH - Babies First Healthy Start Revenue</i> | \$117,000 | \$20,561 | 18% | 18%  |
| <i>Glow! - First 5 Merced County Expansion Grant</i> | \$12,275 | \$1,021 | 8% | 8%  |
| <i>Glow! - First 5 Kern County Expansion Grant</i> | \$4,567 | \$1,113 | 24% | 24%  |
| Other Revenue | \$131,700 | \$50,821 | 39% | 39%  |
| Interest Revenue - County Treasury | \$133,559 | \$0 | 0% | 0%  |
| Investment Earnings (Unrealized Gains/Losses) | \$25,000 | \$31,487 | 126% | 126%  |
| Revenues Total | \$8,199,396 | \$923,184 | 11% | 11%  |
| Operating Expenses | | | | |
| Salaries & Benefits | | | | |
| Salary Expense | \$734,650 | \$132,685 | 18% | 18%  |
| Payroll Tax Expense | \$70,589 | \$10,239 | 15% | 15%  |
| Retirement Expense | \$64,208 | \$11,642 | 18% | 18%  |
| Employee Benefits Expense | \$264,510 | \$37,421 | 14% | 14%  |
| Worker's Compensation Expense | \$6,208 | \$205 | 3% | 3%  |
| Salaries & Benefits Expenses Total | \$1,140,165 | \$192,193 | 17% | 17%  |
| Services & Supplies | | | | |
| Audit Expense | \$23,920 | \$9,220 | 39% | 39%  |
| Capital & Equipment Expense | \$20,500 | \$0 | 0% | 0%  |
| Commissioner/Advisory Expense | \$3,200 | \$0 | 0% | 0%  |
| Dues & Subscriptions Expense | \$34,338 | \$28,621 | 83% | 83%  |
| Equipment Rental/Maintenance Expense | \$48,070 | \$9,695 | 20% | 20%  |
| General & Administrative Expense | \$19,470 | \$1,389 | 7% | 7%  |
| Insurance Expense | \$151,945 | \$158,682 | 104% | 104%  |
| Local Travel Expense - Local Mileage | \$3,500 | \$0 | 0% | 0%  |
| Materials & Supplies Expense | \$8,600 | \$59 | 1% | 1%  |
| Overhead Expense | \$92,000 | \$26,246 | 29% | 29%  |
| Professional Services Expense | \$93,184 | \$5,627 | 6% | 6%  |
| Program Development/Strategic Planning Expense | \$5,000 | \$0 | 0% | 0%  |
| Staff Training & Conference Expense | \$20,000 | \$40 | 0% | 0%  |
| Telephone Expense | \$24,224 | \$4,314 | 18% | 18%  |
| Services & Supplies Expenses Total | \$547,951 | \$243,894 | 45% | 45%  |
| Operating Expenses Total | \$1,688,116 | \$436,087 | 26% | 26%  |

Legend

 Budget Target
 Revenue/ Expense Actual

**FIRST 5 FRESNO COUNTY
FINANCIAL REPORT | SEPTEMBER 2023 (25%)**

| | <u>Budget</u> 07/01/2023-06/30/2024 | <u>Awarded</u> 07/01/2023-09/30/2023 | <u>Variance</u> | <u>Budget Performance</u> Budget Target (25%) |
|---|--|---|-----------------|--|
| Strategic Plan Investment Area Awards | | | | |
| Strategic Plan Investment | | | | |
| Help Me Grow Fresno County | \$350,000 | \$0 | 0% | 0% |
| Thriving Families Service Programs | \$815,000 | \$30,000 | 4% | 4% |
| Community Learning Center | \$360,510 | \$338,010 | 94% | 94% |
| Patient-Centered Prenatal Care | \$182,665 | \$0 | 0% | 0% |
| African American Infant Mortality Prevention | \$1,044,130 | \$200,431 | 19% | 19% |
| QRIS - Local High Quality Training & Technical Assistance | \$1,997,847 | \$208,000 | 10% | 10% |
| Innovation & Learning Partnerships | \$470,500 | \$115,500 | 25% | 25% |
| Strategic Plan Investment Awards Total | \$5,220,652 | \$891,941 | 17% | 17% |
| Accountability and Evaluation | | | | |
| Accountability Services | \$150,000 | \$150,000 | 100% | 100% |
| Evaluation Services | \$300,000 | \$300,000 | 100% | 100% |
| Accountability and Evaluation Total | \$450,000 | \$450,000 | 100% | 100% |
| | Budget | Actual | Variance | Budget Performance |
| Externally Funded Programs | | | | |
| First 5 CA QRIS- IMPACT Grant | \$613,164 | \$17,192 | 3% | 3% |
| First 5 CA Refugee Support Expenses | \$93,622 | \$313 | 0% | 0% |
| County DPH - Babies First Health Start Glow! Enhancement | \$117,000 | \$14,925 | 13% | 13% |
| Glow! - First 5 Merced County Expansion Grant | \$12,275 | \$2,680 | 22% | 22% |
| Glow! - First 5 Kern County Expansion Grant | \$4,567 | \$1,719 | 38% | 38% |
| Externally Funded Programs Total | \$840,628 | \$36,830 | 4% | 4% |
| Strategic Plan Investment Areas Total | \$6,511,280 | \$1,378,770 | 21% | 21% |
| First 5 Fresno County Budget Total | \$8,199,396 | \$1,814,857 | 22% | 22% |

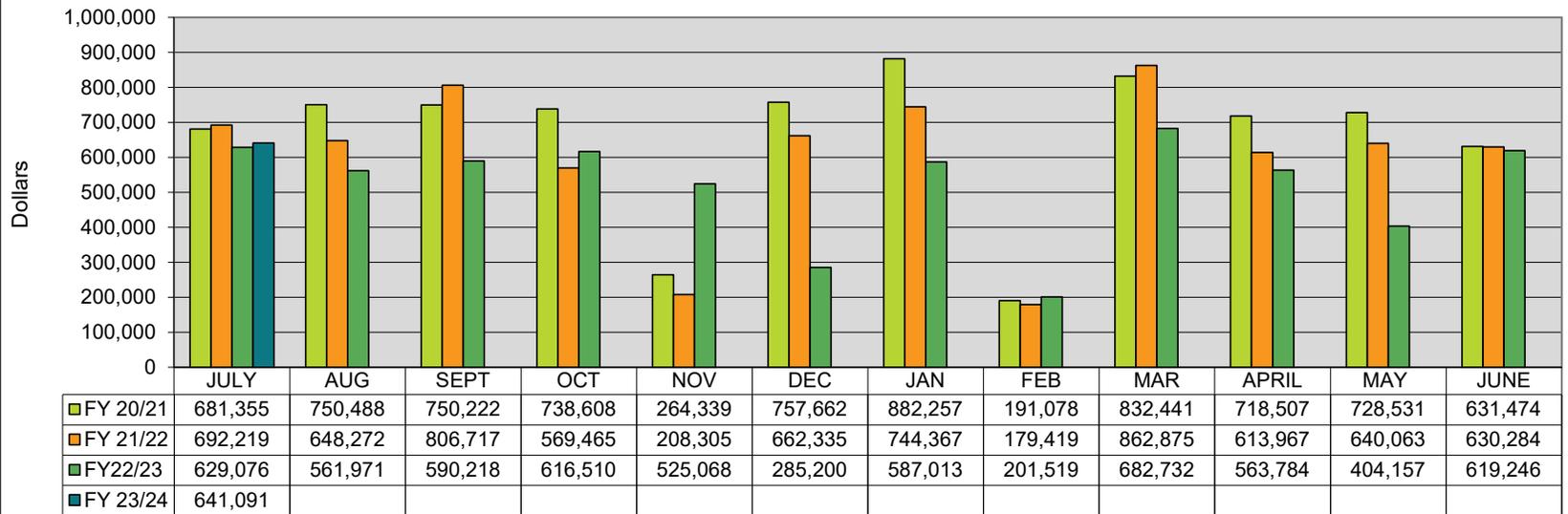
| | | | | |
|---|--------------------|------------------|-----------|-------------|
| Continuing Service Provider Expenses | | | | |
| Help Me Grow 2022-2023 Budget | \$100,000 | \$0 | 0% | 0% |
| Thriving Families Service Programs 2022-2023 Budget | \$3,180,000 | \$233,148 | 7% | 7% |
| African American Infant Mortality Prevention Contracts - 2021-2022 Budget | \$85,499 | \$36,643 | 43% | 43% |
| Patient Centered Prenatal Care - 2021-2022 Budget | \$310,000 | \$4,006 | 1% | 1% |
| Continuing Service Provider Expenses Total | \$3,675,499 | \$273,796 | 7% | 7% |

| | | | | |
|-----------------------------|-------------|-------------|------|--|
| Contingency | | | | |
| Operations Contingency Fund | \$1,000,000 | \$1,000,000 | 100% | |
| Strategic Reserve Fund | \$2,000,000 | \$2,000,000 | 100% | |

Legend
 Budget Target
 Strategic Plan Actual/Awarded
 Service Provider Actual

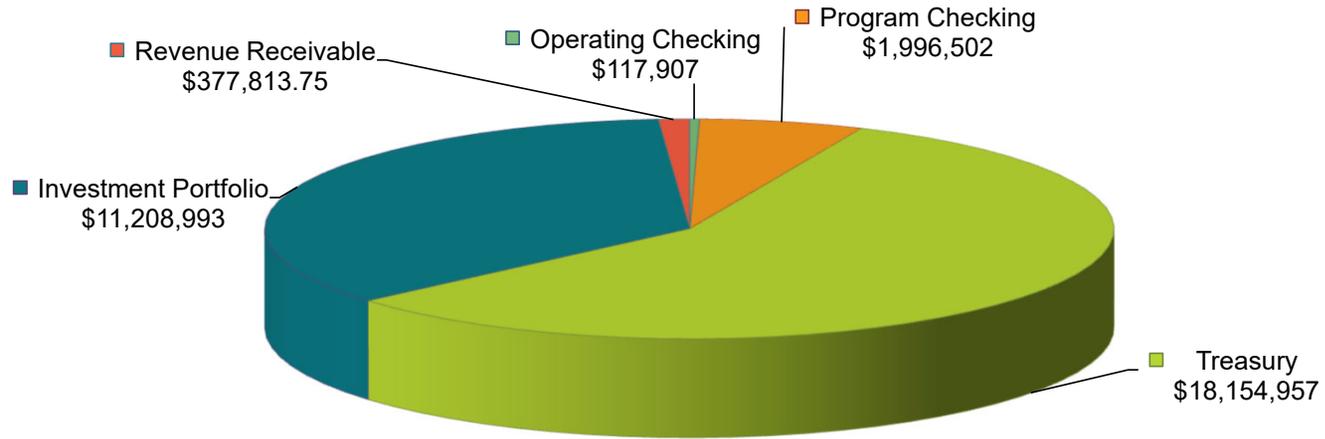
**FIRST 5 FRESNO COUNTY
FINANCIAL REPORT
SEPTEMBER 2023**

MONTHLY PROPOSITION 10 REVENUE COMPARISON

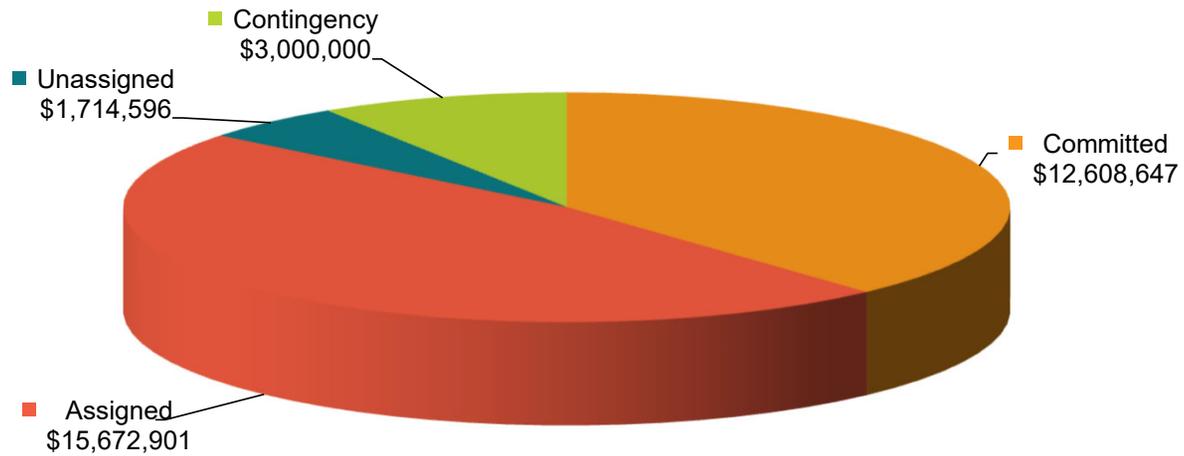


FIRST 5 FRESNO COUNTY
FINANCIAL REPORT
FEBRUARY 2022

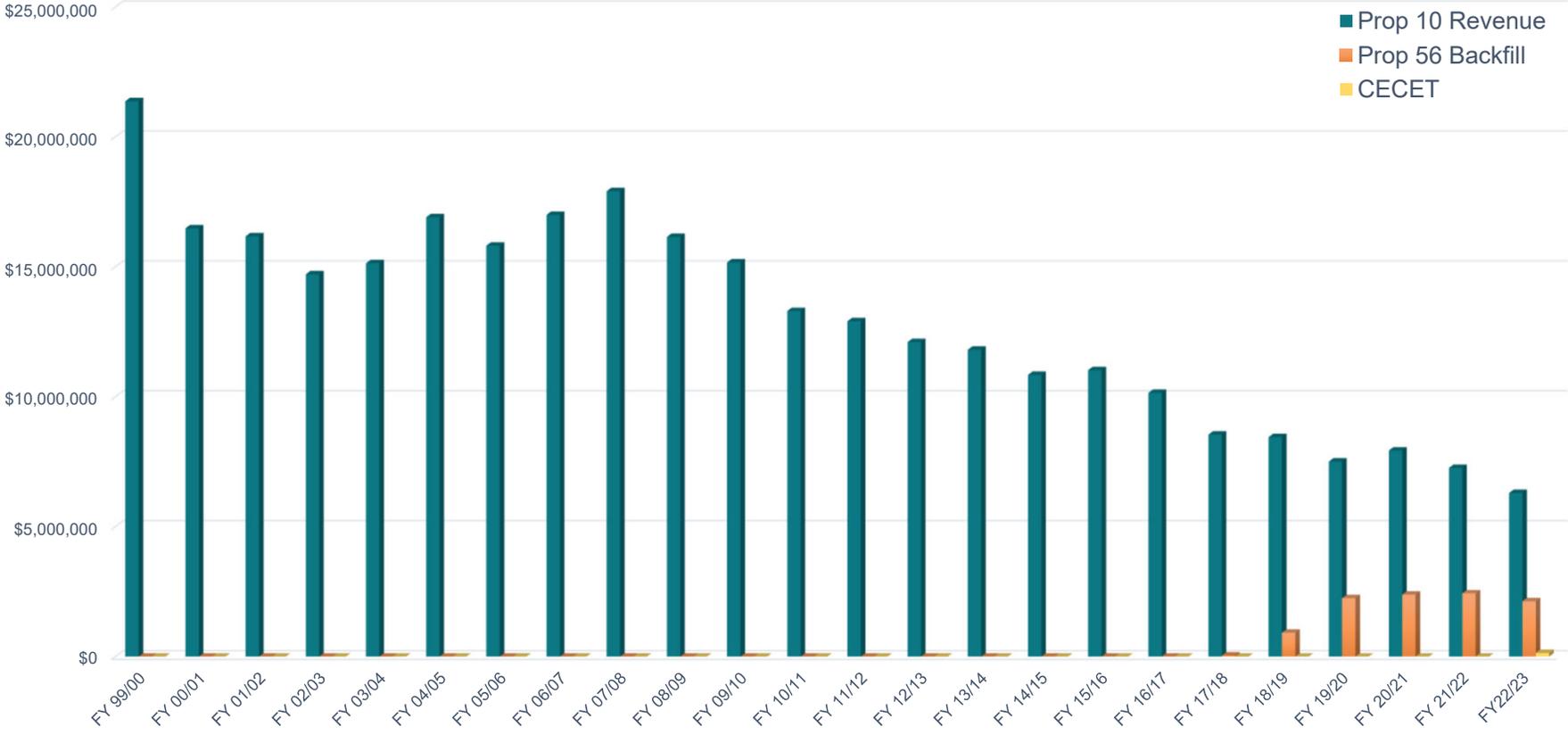
ASSETS



FUND BALANCE



Proposition 10 Revenue Historical Chart



Prop 56 Backfill: Effective as of April 1, 2017, Prop 56 increased the excise tax rate on cigarettes, e-cigarettes, and other tobacco products by \$2.00 per pack cigarettes. The passed proposition included an 18% back-fill to Funds and legislation affected by its passing including Prop. 10 for revenue loss due to reduced tobacco consumption.

CECET: California Electronic Cigarette Excise Tax - Effective as of July 1, 2022, 12.5% tax on electronic cigarettes containing or sold with nicotine. Of the tax collected, 12% is distributed into the California Children & Families Trust Fund to be distributed for First 5s statewide.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 – 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

AGENDA ITEM NO. 6

TO: Children & Families Commission of Fresno County

FROM: Fabiola González, Executive Director

SUBJECT: Agreement Renewal with Fresno County Department of Social Services –
Neighborhood Resource Centers

RECOMMENDED ACTION:

Approve an agreement renewal with Fresno County Department of Social Services (DSS) to continue support to Neighborhood Resource Centers (NRCs) in an amount not to exceed \$400,000 for two years, based on performance and availability of funds.

BACKGROUND:

On November 27, 2023, this item was approved for full Commission consideration by the Finance and Program Review Committee.

Fresno County DSS is engaged in the development of a community infrastructure that supports the creation, support and/or expansion of NRCs in metro, urban and rural Fresno County, with a focus on communities with disproportionately higher rates of child maltreatment. NRCs are an evidence-based approach for serving vulnerable young children as a hub of prevention and early intervention services. Services provided increase family protective factors and contribute to building strong and healthy communities. These include parenting classes, parent/child interactive therapy, supervised visitation, clinical assessments, victim assistance services, and enrollment in government support programs, to name a few. As part of our statutory requirement to facilitate the creation and implementation of an integrated, comprehensive, and collaborative system of services to enhance optimal early childhood development, on June 6, 2018 the Commission approved a two-year agreement with DSS to support the expansion of NRCs throughout urban and rural Fresno County and most recently renewed the agreement for an additional two years in January 2022.

As localized, accessible hubs of services, NRCs are key to the implementation of an integrated early childhood service system where the needs of families with young children are identified and supported effectively. The network of 13 NRCs are operated by community based organizations and located in the following zip codes: 93727, 93630, 93705, 93654, 93722, 93706, 93756, 93662, 93703, 93210, 93234, 93726, and 93612. To continue enhancing this system's services for young children and their families, including, but not limited to, further integrating NRCs as access points for families in an unfolding regional Help Me Grow model, it is staff's recommendation to continue partnering with DSS to support the implementation of NRCs across the county.

Alignment with 2020-2025 Strategic Plan: This agreement aligns directly with the Commission’s 2020-2025 Strategic Plan. Direct Service Programs and Help Me Grow Fresno County (early childhood system of care) are two of five core investments that First 5 Fresno County is committed to, both of which align with the strategies of NRCs.

Short-term goal(s) and long-term outcomes: If approved, staff will work with DSS to finalize a scope of work and budget with a contract start date of July 1, 2024. The long-term outcome of this partnership is to support the implementation of NRCs to promote the health and well-being of vulnerable families with young children across Fresno County.

Procurement: The Commission’s procurement policies and procedures allow the Commission to select a vendor via sole source if, among other things, the vendor capabilities and experiences are so unique that no other vendor may comparably meet the Commission’s needs. At the June 2018 Commission Meeting, the Commission approved an agreement with DSS based on a sole source procurement given the unique services provided to children ages 0 to 5 and families by the County of Fresno – Department of Social Services through the NRC model as well as the County’s federal and state mandates to support communities with programs designed to ensure that children and families are safe, self-sufficient, and healthy.

Fiscal Impact: The total agreement amount with DSS is not to exceed \$400,000 for two years, based on performance and availability of funds. Funding will be allocated from Commission’s 2023-2024 Approved Budget under Strategic Plan Investments: Thriving Families Service Programs line item. The Commission’s investment in the NRC network (\$200,000 annually) represents one piece of a larger budget including approximately \$2,900,000 in annual funding provided by DSS through non-Proposition 10 funding sources.

CONCLUSION:

Partnering with the County of Fresno’s DSS through the NRC effort supports the Commission’s vision of a robust and effective early childhood system of care in Fresno County. If the Commission determines not to renew this agreement, DSS will need to promptly identify an alternate funding source, if possible, to continue supporting the work of existing NRCs serving thousands of Fresno County children and their families.

FIRST 5 FRESNO COUNTY
ADMINISTERED BY CHILDREN & FAMILIES COMMISSION OF FRESNO COUNTY

REGULAR BUSINESS MEETING

December 6, 2023 - 11:30 a.m.

2405 Tulare Street
Fresno, CA 93721

AGENDA ITEM NO. 8

TO: Children & Families Commission of Fresno County

FROM: Fabiola González, Executive Director

SUBJECT: Executive Director's Report

This report intends to keep the Commission informed of local and statewide activities and involvement of the Executive Director pertaining to furthering the vision and mission of the Commission and in support of strengthening our early childhood systems of care.

Remote Meetings Update

- The attached memo pertains to the Commissioners' ability to participate in meetings remotely. Legal Counsel will provide a brief overview of it during our meeting.

General Administration

- On November 2nd and 3rd, Commission staff held our annual offsite in-person meeting to prepare for the upcoming major projects during this fiscal year. We used most of our time together to begin discussing factors that will inform the design of our strategic planning process set to begin sometime in 2024.

Local and Statewide Involvement in Early Childhood Efforts

- We welcomed law enforcement partners and early childhood advocates on Wednesday, November 29th for a press conference and reading event with the national organization Fight Crime: Invest in Kids, on the importance of high-quality early learning programs connected to the reduction of crime in communities. We were joined by Fresno County Sheriff John Zanon, Fresno Police Chief Paco Balderrama, Reedley Police Chief Joe Garza, and Fresno County Superintendent of Schools Dr. Michele Cantwell-Copher. Our Child Development Center preschoolers enjoyed story time with our local officers! Fight Crime: Invest in Kids focuses on the strategies proven to reduce crime. Their members, armed with research, make the case for solutions that cut crime and put kids on the path to productive lives.
- Annually, all 58 County Commission staff and Commissioners are invited to participate in an annual meeting hosted by the First 5 Association of California. The three-day event will take place in Sacramento from February 5th - 7th and will include opportunities for peer-to-peer learning, and discussions on the national and state perspectives of shaping policy in the early childhood field. The Annual Meeting will conclude with legislative meetings with state officials to highlight the importance of their continued support for First 5s as part of a statewide early childhood system of care.

- We joined BLACK Wellness and Prosperity Center to receive the Prematurity Awareness Month Proclamation presented by the Fresno County Board of Supervisors on November 7th. A big thank you to Supervisor Brian Pacheco for sponsoring this proclamation.
- On November 8th, we were happy to join Commissioner Morales at a press conference at Radio Bilingüe announcing a \$2 million grant from the State of California to fund the expansion of the radio station's headquarters. We extend our congratulations to Commissioner Morales for his leadership and education in the broadcasting space.

MEMORANDUM

TO: Board of Commission
FIRST 5 FRESNO COUNTY

FROM: Kenneth J. Price
Craig W. Armstrong
BAKER MANOCK & JENSEN, PC

DATE: December 1, 2023

RE: Guidance regarding Board members participating remotely in Board of Retirement meetings via teleconferencing under the Brown Act in 2023

This memorandum addresses the circumstances in which members of the Board of Retirement (the “Board”) may participate remotely in Board meetings via teleconferencing under the provisions of the Ralph M. Brown Act (Gov. Code § 54950 *et seq.*; the “Brown Act”) in effect as of 2023.

Currently, the Brown Act provides three different sets of rules for remote participation: (i) traditional teleconferencing rules; and (ii) just cause/emergency circumstances teleconferencing rules. In the sections that follow, we provide summaries of these laws. We also include questions and answers regarding the just cause/emergency circumstances teleconferencing rules. As explained below, the law does not compel the Board of Commissioners to allow for board member participation via the traditional teleconferencing and just cause/emergency circumstances teleconferencing. It appears to us to be discretionary.

1. Traditional Teleconferencing Rules

Prior to the COVID-19 pandemic, the Brown Act permitted Commissioner participation via teleconferencing so long as the agency took specific actions prior to and during the meeting; these pre-pandemic rules are still in effect and are referred to herein as the traditional teleconferencing rules. (See Gov. Code §54953.)

Under the traditional teleconferencing rules, a Board member may participate in a meeting remotely (e.g., via telephone), so long as the following conditions are met: (a) a quorum

of the Board members participate from locations within the agency's boundaries; (b) each teleconferencing location is listed on the meeting notice and agenda, the agenda is properly posted at each teleconferencing location, and each teleconferencing location is accessible to the public (including to members of the public with disabilities) and provides for public comment; and (c) all votes are taken by roll call.

We have been asked by various clients whether or not the Brown Act compels a board to use traditional teleconferencing because one or more members (but less than a quorum) merely desires to participate remotely. We believe this decision to be a discretionary act of the board.

2. Just Cause/Emergency Circumstances Teleconferencing Rules

In 2022, the Legislature enacted a third set of rules via AB 2449 that permits the Board to use teleconferencing without complying with the traditional or state of emergency teleconferencing rules, in limited circumstances. These rules set forth certain "just cause" and "emergency circumstances" teleconferencing rules.

Under the AB 2449 teleconferencing rules, the Board may use teleconferencing under the following conditions: (a) a quorum of the members participate from a single location within the agency's boundaries that is accessible to the public; (b) all votes are taken by roll call; (c) the meeting is broadcast via either a two-way audio-visual platform such as Zoom or a two-way telephonic service with live webcasting; (d) the public is provided the ability to participate in the meeting remotely and are given notice of the means by which they may access the meeting and offer public comment; (e) the agenda includes an opportunity for the public to attend and address the Board directly via a call-in option, via an internet-based service option, and at the in-person location of the meeting; (f) the meeting activity is suspended if broadcasting, internet, or telephonic access is disrupted; (g) the Board must provide an opportunity for the public to address the Board and offer comment in real time; (h) members participating from a remote location participate with both audio and visual technology; and (i) the members participating from a remote location identify anyone 18 years of age or older in the room with the member and that person's relationship to the member. For boards desiring to use these just cause/emergency circumstances rules and to meet the legislative requirements, we suggest posting a link on the agency agenda that is activated, at a minimum, if a Board member participates under the AB 2449 teleconferencing rules.

"Just cause" is defined as any of the following: (a) a caregiving need of a family member that requires a Board member to participate remotely; (b) a contagious illness that prevents a member from attending in person; (c) a need related to a physical or mental disability that cannot be accommodated; (d) travel while on official business of the Board or another state or local agency. A Board member needing to attend a meeting remotely due to just cause must notify the Board at the earliest opportunity possible, including at the start of the meeting, and include a general description of the circumstances relating to the need to appear remotely at the given meeting. The Board is not required to take action on a member's just cause need. Finally, a

member may not use the just cause provision for more than two Board meetings per calendar year.

“Emergency circumstances” is defined as a physical or family medical emergency that prevents a member from attending in person. A Board member needing to attend a meeting remotely due to emergency circumstances must request permission from the Board as soon as possible and provide a general description of the circumstances relating to the need to appear remotely. The Board is required to take action on the member’s emergency circumstances request and can take action at the beginning of the meeting, even if the request is not an item on the agenda. The member must make a separate request for each meeting in which they seek to participate remotely due to emergency circumstances.

“Emergency circumstances” participation is not expressly capped at two meetings per year. However, cumulatively, the just cause/emergency circumstances rules state that the rules “shall not serve as a means for any member of a legislative body [e.g., the Board] to participate in meetings of the legislative body solely by teleconference from a remote location for a period of more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year.”¹ Therefore, because the Board meets, under most circumstances, approximately 19 times per year, a Board member may only participate under both the just cause or the emergency circumstances rules three times per year. Standing committees of the Board are counted separately.

The just cause/emergency circumstances added by enactment of AB 2449 state that the “legislative body of a local agency *may* use teleconferencing without complying” with the traditional teleconferencing rules when the circumstances discussed above are met. (Gov. Code § 54953(f)(1); emphasis added.) This suggests that the Board’s utilization of the just cause/emergency circumstances rules is permissive, not mandatory; however—the laws enacted by AB 2449 are relatively new and we are unaware of any caselaw that has addressed this exact question. We can say that, in our experience, as of the date of this memorandum, not all agencies subject to the Brown Act are currently utilizing these new rules.

Conclusion

The laws regarding teleconferencing at Board meetings are complex and nuanced; the summaries included herein are not intended to be exhaustive recitations of all requirements of the law. Each teleconferencing circumstance should be reviewed closely to determine whether remote participation is permitted and the legal requirements related thereto.

KJP:CWA

¹ Gov. Code § 54953(f)(3).

**Questions and Answers Regarding
Just Cause/Emergency Circumstances Teleconferencing Rules**

1. Does the 3 consecutive months/20% cap under the just cause/emergency circumstances rules apply to all meetings that a Board member attends remotely, or just to meetings attended remotely under the just cause/emergency circumstances rules?

The cap only applies to regular Board meetings attended under the just cause/emergency circumstances rules.

2. Is the 3 consecutive months/20% cap under the just cause/emergency circumstances rules calculated using only the meetings a member participates in, or does the cap apply to all meetings of the Board?

The cap under the just cause/emergency circumstances rules applies to all regular meetings for the Board within the calendar year, not just to the meetings that a member attends.

3. Does the 3 consecutive months/20% cap apply to committee meetings?

The cap applies to all standing committee regular meetings, but not to *ad hoc* committee meetings, which are not subject to the Brown Act. We recommend calculating the cap separately for the regular meetings of the Board and the regular meetings of each standing committee.