

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 6, 2014 ☒ Consent ☐ Regular
 ☐ Ordinance ☐ Public Hearing

Department
 Submitted By: Community Services
 Submitted For: Community Action Program

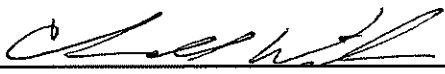
I. EXECUTIVE BRIEF


Motion and Title: Staff recommends motion to adopt: a Resolution repealing and replacing Resolution 2009-1549 establishing the Community Action Advisory Board.

Summary: A modified Resolution is necessary to clarify the process for nominating and selecting members to serve on the Community Action Advisory Board and to update various standard provisions in accordance with County advisory board policy. Public sector members are appointed by the Board of County Commissioners, low income sector members will be selected by a democratic process and the Advisory Board will recommend individuals to fill the seats for the private sector. All nominations shall be approved by the Board of County Commissioners and shall serve at the pleasure of the Board. (Community Action) Countywide (TKF)

Background and Justification: The Board of County Commissioners first created a Community Action Council Advisory Board (Board) in 1974. This was done to qualify Palm Beach County to receive Community Services Block Grant funds. The Board was subsequently reconstituted pursuant to Ordinance No. 04-042. In February 2009, the Florida Department of Economic Opportunity conducted a monitoring visit and recommended that the Ordinance be replaced by a resolution. On September 15, 2009, Ordinance No. 04-042 was replaced by Resolution 2009-1549, reducing its membership from 23 to 15 participants, while outlining the process for seating new members. This Resolution established the Community Action Advisory Board designating the Board of County Commissioners as the Community Action Council; re-establishing the Advisory Board of the Community Action Council; designating such board as the Community Service Block Grant Advisory board; providing for an appointment process and terms; providing for membership and officers; providing for a role and responsibilities; providing for an effective date.

- Attachments:**
1. Proposed Resolution
 2. Resolution 2009-1549

Recommended By:  4/22/14
 Department Director Date

Approved By:  4/29/14
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2014	2015	2016	2017	2018
Capital Expenditures					
Operating Costs	0				
External Revenue					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0				

No. ADDITIONAL FTE POSITIONS (Cumulative)					
--	--	--	--	--	--

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code _____ Program Period _____

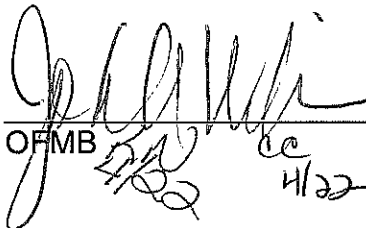
B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

Taruna Malhotra, Director, Financial & Support Svcs.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:


OFMB
4/29/14


Contract Development and Control
4-29-14

B. Legal Sufficiency:


Chief Assistant County Attorney
4/29/14

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, DESIGNATING THE BOARD OF COUNTY COMMISSIONERS AS THE COMMUNITY ACTION COUNCIL. ESTABLISHING THE COMMUNITY ACTION ADVISORY BOARD; DESIGNATING THE COMMUNITY ACTION ADVISORY BOARD AS THE COMMUNITY SERVICES BLOCK GRANT ADVISORY COMMITTEE. PROVIDING FOR ROLES AND RESPONSIBILITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the U.S. Department of Health and Human Services (HHS) requires that recipients of Community Services Block Grant (CSBG) funds comply with the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, as amended; and

WHEREAS, Section 676B, (b)(1) of that Act requires that a public entity administer the program through a tripartite board composed of members representing the public, private, and low income sectors of the community; and

WHEREAS, the Community Services Block Grant provides funds for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals to become fully self-sufficient; and

WHEREAS, Palm Beach County through the Department of Community Services wishes to comply with HHS requirements regarding the Community Action Advisory Board; and

WHEREAS, the Board of County Commissioners was previously designated as the Community Action council and the grantee for the CSBG program through ordinances 74-20 and 04-042, which have been repealed; and

WHEREAS, pursuant to ordinances 74-20 and 04-042, a Community Action Council Administering Board was established.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1: DESIGNATION OF THE BOARD OF COUNTY COMMISSIONERS AS THE COMMUNITY ACTION COUNCIL AND CSBG GRANTEE

The Board of County Commissioners is hereby designated as the Community Action Council and the grantee of CSBG funding received by Palm Beach County.

SECTION 2: ESTABLISHMENT OF THE COMMUNITY ACTION ADVISORY BOARD AND DESIGNATION AS THE CSBG ADVISORY COMMITTEE

There is hereby established an advisory board to be known as the Community Action Advisory Board, herein referred to as the "Advisory Board." Said Advisory Board is also designated as the Community Services Block Grant Advisory Committee pursuant to the CSBG guidelines of the State of Florida Department of Economic Opportunity.

SECTION 3: COMPOSITION

A. The Advisory Board shall be comprised of fifteen (15) members, as follows:

- 1) One-third (1/3) of the members of the Advisory Board shall be elected public officials holding office on the date of selection, or their representatives. A letter reaffirming agreement to serve as an Advisory Board member or delegation to a representative, signed by the elected official, shall be required each year until the official's elective term ends.
- 2) Not fewer than one-third (1/3) of the members of the Advisory Board shall be persons chosen in accordance with democratic selection procedures adequate to assure that they are representatives of low income individuals and families in the target neighborhood served. Each representative of the low-income sector selected to represent a specific target neighborhood within the community must reside in the neighborhood served. The county will define what constitutes a target neighborhood.
- 3) The remainder of the members of the Advisory Board shall be persons who can bring pertinent and significant resources from the private sector to the Community Action mission of assisting low income persons to acquire greater control over their lives and to increase their degree of self-sufficiency.

SECTION 4: APPOINTMENTS, TERMS, VACANCIES AND COMPOSITIONS

- A. All members of the Advisory Board shall be residents of Palm Beach County, Florida at the time of appointment and while serving on the Advisory Board.
- B. Terms of office for the Advisory Board members shall be three (3) year terms. An individual may serve three (3) consecutive full terms. Terms shall begin on October 1 and end on September 30.
- C. Terms shall be staggered such that one-third (1/3) of the advisory board members shall be selected each year.
- D. Nominations shall be requested by County staff upon adoption of this resolution and generally every year thereafter in a manner that will provide for appointment or reappointment prior to the term expiration. The public sector members are appointed by the Board of County Commissioners, a democratic selection process will be held to fill seats from the low-income sector, the Advisory Board will recommend individuals to fill the seats for the private sector. All nominations shall be approved by the Board of County Commissioners.
- E. A vacancy occurring during a term shall be filled for the unexpired term and in the manner prescribed above.
- F. All Advisory Board members serve at the pleasure of the Board of County Commissioners.
- G. Members appointed pursuant to Section 3.A1 will no longer be eligible to serve on the advisory Board if they, or the elected official they represent, no longer hold elected public office.

SECTION 5: AUTHORITY

- A. The Advisory Board shall have the authority and power to advise the Board of County Commissioners on the development, planning, implementation and evaluation of the CSBG program to serve low-income communities.
- B. Members shall be subject to the rules and procedures of the Advisory Board, if rules and procedures are created, and to the overall authority of the Board of County Commissioners of Palm Beach County, Florida.

SECTION 6: SUNSHINE LAW AND STATE CODE OF ETHICS

The Advisory Board must comply with the Sunshine Law and State Code of Ethics. Reasonable public notice of all board meetings shall be provided. All meetings of the board shall be open to the public at all times and minutes shall be taken at each meeting.

SECTION 7: PALM BEACH COUNTY CODE OF ETHICS

Advisory Board members shall abide by the Palm Beach County Code of Ethics as stated in County Resolution 94-693 as may be amended.

SECTION 8: TRAVEL EXPENSES, REIMBURSEMENT AND APPROVAL AUTHORITY

Travel reimbursement is limited to expenses incurred only for travel outside Palm Beach County necessary to fulfill board member responsibilities when sufficient funds have been budgeted and are available as set forth in PPM CW-O-038. No other expenses are reimbursable except documented long distance phone calls to the liaison County department. Approval authority for pre-authorized board member travel is designated to the County Administrator and Deputy County Administrator and shall be in accordance with PPM CW-F-009.

SECTION 9: ELIGIBILITY TO SERVE

County employees, other than Commissioners Aides, are not eligible to serve on the Advisory Board unless the County employee is an elected official within Palm Beach County and is nominated for inclusion on the board by an entity other than the Board of County Commissioners. Employees of other units of local government may not represent their respective governments on boards, unless otherwise provided by statute or other rule of law. Former Board of County Commissioners members may not be appointed to the Advisory Board for at least two (2) years following their last day in office as a County Commissioner.

SECTION 10: QUALIFICATION AS A CANDIDATE

Advisory Board members shall not be prohibited from qualifying as a candidate for elected office.

SECTION 11: RESPONSIBILITIES

The responsibilities of the Community Action Advisory Board shall include the following:

- A. Conduct regular assessments of the circumstances of low income individuals and families and of the resources available and needed in the community to support movement by low income persons toward greater self-sufficiency;
- B. Create a forum for citizen participation that maximizes participation of those served so as to best stimulate and take full advantage of capabilities for self-advancement and assure that programs and projects are meaningful to and widely utilized by their intended beneficiaries;
- C. Participate fully in the development and implementation of programs and projects designed to serve the poor or low income citizens of the county;
- D. Review and recommend programs and projects for the use of the CSBG funds;
- E. Foster and promote cooperation between governmental agencies, community-based non-governmental non-profit organizations and business interests in order to achieve the goals and outcomes of community action plans;
- F. Submit an annual report to the board of county commissioners on activities undertaken and accomplishments made during the preceding year;
- G. Receive reasonable advance notice of, and an opportunity to make recommendations, concerning:
 - 1) Appointment of the program coordinator;
 - 2) Determination of overall program plans and priorities;
 - 3) Approval of program proposals and budgets;
 - 4) Enforcement of compliance with all conditions of federal and state grants;
 - 5) Corrective measures to remove roadblocks affecting program implementation;
 - 6) Determination, subject to federal, state, and local regulations and policies, of rules of procedure for the advisory board;
 - 7) Any changes to this Resolution. In the event that the Advisory Board determines a public meeting is necessary to address any changes to this Resolution, said public meeting will be arranged prior to submission of any such change to the board of county commissioners.
- H. To perform such other duties as may be from time to time assigned by the Board of County Commissioners.

SECTION 12: MEETINGS

- A. The Advisory Board shall meet a minimum of ten (10) times a year; however, members may be required to attend additional meetings.
- B. A majority of the members appointed shall constitute a quorum for the conduct of the Advisory Board's business.
- C. In the presence of a quorum, Advisory Board business shall be conducted by a vote of a majority present and be governed by Robert's Rules of Order.
- D. The Chair shall have the authority to call emergency meetings, as is needed and appropriate, by informing members at least three days in advance.
- E. Public notice of all Advisory Board meetings shall be provided consistent with the requirements of the Florida Department of Community Affairs and Florida laws, and all such meetings shall be open to the public at all times.

SECTION 13: OFFICERS

A chair, vice-chair, and secretary shall be elected by a majority vote of the administering board and shall serve for a term of one (1) year, but not to exceed two (2) consecutive terms in any one (1) office.

A. Duties of the Chair:

- 1) Call and set the agenda for Advisory Board meetings;
- 2) Preside at Advisory Board meetings;
- 3) Establish committees, appoint committee chairs and charge committees with specific tasks;
- 4) Serve as primary liaison with program staff; and
- 5) Perform other functions as the Advisory Board may assign by rule or order.

- B. The Vice Chair shall perform the duties of the Chair in the Chair's absence, and such other duties as the Chair may assign.
- C. The Secretary shall be responsible for Board record-keeping and documentation.

Vacancies in any officer position shall be filled for the remainder of the term by the Advisory Board.

SECTION 14: REMOVAL FOR LACK OF ATTENDANCE

Members of the Advisory Board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or failure to attend more than one-half of the meetings scheduled during a program year. Participation for less than three-fourths of a meeting shall constitute lack of attendance. Members removed under this paragraph shall not continue to serve until a new appointment is made and removal shall create a vacancy.

SECTION 15: EFFECTIVE DATE

This Resolution shall become effective upon approval by a majority vote of the Board of County Commissioners, Palm Beach County, Florida.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Hal R. Valeche, District 1	_____
Vice Mayor, Paulette Burdick, District 2	_____
Commissioner Shelley Vana, District 3	_____
Commissioner Steven Abrams, District 4	_____
Commissioner Mary Lou Berger, District 5	_____
Commissioner Jess Santamaria, District 6	_____
Mayor, Priscilla Taylor, District 7	_____

The Chairperson thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2014.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

ATTEST:
SHARON R. BOCK,
CLERK & COMPTROLLER

BY: _____
Tammy K. Fields
Sr. Assistant County Attorney

BY: _____
Deputy Clerk

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- B. Terms of office for the Advisory Board members shall be three (3) year terms. An individual may serve two (2) consecutive full terms. An individual may be eligible for reappointment for additional terms after they have been off of the Board for a minimum of two (2) years.
- C. Terms shall begin on October 1 and end on September 30.
- D. Terms shall be staggered such that one-third (1/3) of the Advisory Board members shall be selected each year.
- E. Nominations shall be requested by County staff upon adoption of this resolution and generally every year thereafter in a manner that will provide for appointment or reappointment prior to the term expiration. All nominations shall be approved by the Board of County Commissioners.
- F. A vacancy occurring during a term shall be filled for the unexpired term and in the manner prescribed above.
- G. All Advisory Board members serve at the pleasure of the Board of County Commissioners.

- H. Members appointed pursuant to Section 3.A.1) will no longer be eligible to serve on the Advisory Board if they, or the elected official they represent, no longer hold elected public office.

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- A. Conduct regular assessments of the circumstances of low-income individuals and families and of the resources available and needed in the community to support movement by low-income persons toward greater self-sufficiency;
- B. Create a forum for citizen participation that maximizes participation of those served so as to best stimulate and take full advantage of capabilities for self-advancement and assure that programs and projects are meaningful to and widely utilized by their intended beneficiaries;
- C. Participate fully in the development and implementation of programs and projects designed to serve the poor or low-income citizens of the County;
- D. Review and recommend programs and projects for the use of the CSBG funds;
- E. Foster and promote cooperation between governmental agencies, community-based non-governmental non-profit organizations and business interests in order to achieve the goals and outcomes of community action plans;
- F. Submit an annual report to the Board of County Commissioners on activities undertaken and accomplishments made during the preceding year;
- G. Receive reasonable advance notice of, and an opportunity to make recommendations, concerning:
- 1) Appointment of the program coordinator;
 - 2) Determination of overall program plans and priorities;
 - 3) Approval of program proposals and budgets;
 - 4) Enforcement of compliance with all conditions of federal and state grants;

- 5) Corrective measures to remove roadblocks affecting program implementation;
- 6) Determination, subject to federal, state, and local regulations and policies, of rules of procedure for the Advisory Board;
- 7) Any changes to this Resolution. In the event that the Advisory Board determines a public meeting is necessary to address any changes to this Resolution, said public meeting will be arranged prior to submission of any such change to the Board of County Commissioners.
- H. To perform such other duties as may be from time to time assigned by the Board of County Commissioners.

SECTION 8: MEETINGS

- A. The Advisory Board shall meet a minimum of ten (10) times a year; however, members may be required to attend additional meetings.
- B. A majority of the members appointed shall constitute a quorum for the conduct of the Advisory Board's business.
- C. In the presence of a quorum, Advisory Board business shall be conducted by a vote of a majority present and be governed by Robert's Rules of Order.
- D. The Chair shall have the authority to call emergency meetings, as is needed and appropriate, by informing members at least three (3) days in advance.
- E. Public notice of all Advisory Board meetings shall be provided consistent with the requirements of the Florida Department of Community Affairs and Florida laws, and all such meetings shall be open to the public at all times.

SECTION 9: OFFICERS

A Chair, Vice-chair, and Secretary shall be elected by a majority vote of the Advisory Board and shall serve for a term of one (1) year, but not to exceed two (2) consecutive terms in any one (1) office.

- A. Duties of the Chair:
 - 1) Call and set the agenda for Advisory Board meetings;
 - 2) Preside at Advisory Board meetings;
 - 3) Establish committees, appoint committee chairs and charge committees with specific tasks;
 - 4) Serve as primary liaison with program staff; and
 - 5) Perform other functions as the Advisory Board may assign by rule or order.
- B. The Vice-chair shall perform the duties of the Chair in the Chair's absence, and such other duties as the Chair may assign.
- C. The Secretary shall be responsible for Board record-keeping and documentation.

Vacancies in any officer position shall be filled for the remainder of the term by the Advisory Board.

SECTION 10: REMOVAL FOR LACK OF ATTENDANCE

Members of the Advisory Board shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or failure to attend at least two-thirds of the meetings scheduled during a program year. Participation for less than three-fourths of a meeting shall constitute lack of attendance. Members removed under this paragraph shall not continue to serve until a new appointment is made and removal shall create a vacancy.

SECTION 11: EFFECTIVE DATE

This Resolution shall become effective upon approval by a majority vote of the Board of County Commissioners, Palm Beach County, Florida.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Vana, and upon being put to a vote, the vote was as follows:

Commissioner Karen Marcus, District 1	<u> Aye </u>
Commissioner John F. Koons, District 2	<u> Aye </u>
Commissioner Shelley Vana, District 3	<u> Aye </u>
Commissioner Steven Abrams, District 4	<u> Aye </u>
Commissioner Burt Aaronson, District 5	<u> Aye </u>
Commissioner Jess Santamaria, District 6	<u> Aye </u>
Commissioner Priscilla Taylor, District 7	<u> Aye </u>

The Chairperson thereupon declared the Resolution duly passed and adopted this 15th day of September, 2009.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

ATTEST:
SHARON R. BOCK,
CLERK & COMPTROLLER

BY: [Signature]
Tammy K. Fields
Sr. Assistant County Attorney

BY: [Signature]
Deputy Clerk

