



CENTER FOR COMMUNITY SERVICES DIRECTIVE

Title: Administrative Boards for Public Entities

Directive #: C2018-03

Effective: October 1, 2018

To: Community Services Block Grant Subgrantees

From: Lynette Praster, Director – Center for Community Services *LMP*

1.0 Purpose

The purpose of the directive is to provide guidance to public Community Services Block Grant (CSBG) eligible entities (CEE) including limited-purpose agencies that are units of local government concerning the composition and function of CSBG Administrative Boards.

2.0 Revision History

This CSBG Directive is effective October 1, 2018 and replaces C2016-03.

3.0 Policy

In communities where the local political jurisdiction, such as a city or county, is the designated CEE, the local governing officials are required to establish a tripartite administrative board. The administrative board is composed similarly to a tripartite governing board. Unlike a governing board, however, the administrative board is not the source authority for the CEE, nor is it the legal embodiment of the CEE. The board's actual authority depends on the powers delegated to it by the governing officials of the political jurisdiction. Public agency boards are "advisory" and are intended to guide public officials that manage their agencies, both elected and appointed, with information and advice on how to reduce poverty within the geographic area being served. It may function as governing board or, if the governing officials choose to withhold most substantive decision-making authority, it will be a consulting body or an advisory board. It must at minimum involve representatives of the client population and the private sector in the determination of program policies and procedures rather than the mere provision of advice.

Selection of Administrative Boards

CSBG administrative board members may be appointed by the chief elected official(s) of the local government unit or may be selected by a democratic selection process. If a democratic selection process is used, it must be characterized by free and equal participation. In either scenario, board membership must be comprised of one-third local elected government officials, or their delegated representatives, that contemporarily hold office while serving on the administrative board. However, if the number of local

elected officials that are reasonably available to serve is less than one-third of the total board membership, local appointed officials may be considered to fulfill the requirement. Further, at least one-third of the administrative board must be comprised of representatives of the low-income population. Representatives should be individuals either directly served by the CSBG program, or directly affected by poverty or poverty-related issues. Low-income representatives must reside within the agency's service area and must be selected in accordance with democratic selection procedures.

The remainder of the CSBG administrative board must be comprised of representatives of business, industry, labor, religious, social/human services, education, or other groups with substantial interests in the communities served by the agency. These individuals must, to the extent feasible, be geographically representative of the area(s) served by the agency.

Responsibilities of Administrative Boards

Pennsylvania's Community Services Block Grant Act (P.L. 315 No. 46, as amended 2014) contains several provisions that specify responsibilities of a CSBG administrative board, including:

- Section 5 (a), Powers of the Agency – requires CEEs to be a continuing and effective mechanism for securing broad community involvement in the programs assisted under the Act
- Section 5 (b), (4), Functions of the Agency – CEEs must establish effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interest ...
- Section 5 (b), (5), Functions of the Agency – specifies a CEE's functions include joining with and encouraging business, labor and other private groups and organizations to undertake, together with public officials and agencies, activities in support of the community action program which will result in the additional use of private resources and capabilities ...

Implementing these provisions requires the following, at a minimum:

- Regular administrative board meetings held at least quarterly and open to the public.
- Prompt filling of board vacancies when they occur. As a general practice, board vacancies should not persist longer than 90 days.
- Providing timely and continuous board training including Results Oriented Management and Accountability (ROMA) and other CSBG related subjects as necessary.
- All new board members must receive ROMA Training for Board Members within six (6) months of appointment. The entire board must receive ROMA refresher training conducted by a Nationally Certified ROMA Trainer (NCRT) at least every twenty-four (24) months.
- Review and approval of the annual CSBG work plan.
- Participation in the periodic evaluation of program outcomes and CSBG Organizational Standards.
- Review and discussion about major changes in program priorities, direction, or policies.

Terms of individual board membership are determined by the agency but should represent the current needs of the agency.

Many CEEs find term limits helpful to keep boards revitalized and current. CEEs may impose such limits through their own bylaws if they wish.

Representatives of Low-Income Individuals and Families

The statute requires that representatives of low-income individuals and families be chosen in accordance with democratic selection procedures” and must currently reside within the agency’s service area. The implicit intent of this requirement is to ensure those who *currently* live in areas served by the agency are represented with a strong voice in agency governance and direction, and to consequently convey the presence and significance of community action to the community.

Some programs within such as Head Start also require governance structures that involve the families served. Overall agency coordination and communications across programs is enhanced when members of Head Start Policy Councils serve on agency tripartite boards. However, Head Start regulations prohibit the Policy Council and the agency’s tripartite board from having identical membership.

Every effort should be made by CEEs to assure board members who represent low-income individuals and families:

- Have been selected by democratic procedure either directly through election or public forum. If an election or public forum is not possible, a similar democratic process must be used. A similar democratic process can be, the individual was elected to a position of responsibility in another significant service or community organization such as a school parent-teacher association (PTA), a faith-based organization leadership group, or an advisory board/governing council for another low-income service provider;
- Are truly representative of current residents of the geographic area to be served, including racial and ethnic composition, as determined by periodic selection or reselection by the community. Being current should be based on the recent or annual demographics changes as documented in the Community Needs Assessment (CNA). This does not preclude extended service of low-income community representatives on boards, but continued board participation of longer term members must be revalidated and kept current through some form of democratic process and the assessment of community changes.

Elected Public Officials or their Representatives

The overarching purposes for having elected officials serve on tripartite boards are to encourage awareness of poverty issues within the community and action by local governments, and to foster close coordination and partnership between service organizations and CEEs. The statute requires elected public officials must be holding office on the date of selection to the tripartite board. The statute allows public officials, either elected or appointed if necessary, to name someone as a delegate to represent them on the board. While the statute does not set term limits for this category of board membership, the spirit of the law suggests that local government officials participate in agency oversight and governance only as long as the elected officials serving on boards in this capacity remain in elected office.

Similarly, delegates of elected or appointed officials may serve only while their principals are in office or are re-designated by those in office. Boards are responsible for making sure that this category of board membership remains current through procedures such as prompt notification of newly elected or currently elected public officials of the opportunity for board service or representation, and timely replacement of board members or their delegates who no longer hold public office.

Agencies that wish to extend the board service of either formerly elected officials or their representatives may choose to appoint them as representatives of major groups and interests in the community should such vacancies exist.

Representatives of Major Groups and Interests in the Community

While the statute does not set term limits for this sector of board members, their role is to reflect and involve key interests and resources within the community to guide agency actions and outcomes. For this sector, boards should strive to assure:

- Groups and interests with *current* influence or resources deemed *critical* to the success of the agency are represented.
- Members are empowered by their organization to participate in board activities and play a role in agency outcomes.

None of the above guidance implies that administrative tripartite boards may assume responsibilities or powers associated with a governing board. For example, administrative boards may not set salaries or hire or fire the executive director. However, the role of administrative tripartite boards in designing programs, providing input into decisions about program content, and generating community support for programs should be substantive. Administrative boards can and should be a force that helps steer and guide Community Action Agency operations.

Board Code of Ethics

Three (3) primary legal principles should be followed by the tripartite board. These principles are obedience, diligence and loyalty.

- Obedience is the duty of board members to ensure that the organization does what is expected of it and does not undertake any action that is beyond its powers as defined by statutes, its corporate charter or by laws.
- Diligence is the duty of board members to ensure against negligent mismanagement. Such mismanagement can hinge on inaction as well as overt actions. Mismanagement stemming from inaction results when specific responsibilities have been delegated to a board member or committee and that person or group fails to exercise diligent inquiry or oversight that might include failure to attend or hold board meetings to seek out the information necessary to carry out the responsibilities that were delegated to the person or committee.
- Loyalty is the duty of board members to adhere to the mission of the organization, to adhere to the authorities granted to the organization and requires that board members not engage in personal activities in such a manner as to cause harm or to take advantage of the organization.

4.0 Effective Date:

This directive takes effect October 1, 2018 and replaces C2016-03. It will remain in effect, in its entirety, until it is amended, replaced, superseded, or nullified. Only a directive from the Center for Community Services or equivalent office may countermand any statement herein contained.

cc: Center for Community Services Staff
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