



National Partners Update

Regions 8 & 10 Community Action Conference
May 18, 2017

Eleanor Evans, Esq.
CAPLAW
Boston, MA
eleanor.evans@caplaw.org
617.357.6915

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This two-part webinar series focusing on the lobbying and available

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CAA Leader's Legal Guide

CAA Leader's LEGAL GUIDE

A publication by CAPLAW and the Community Action Partnership

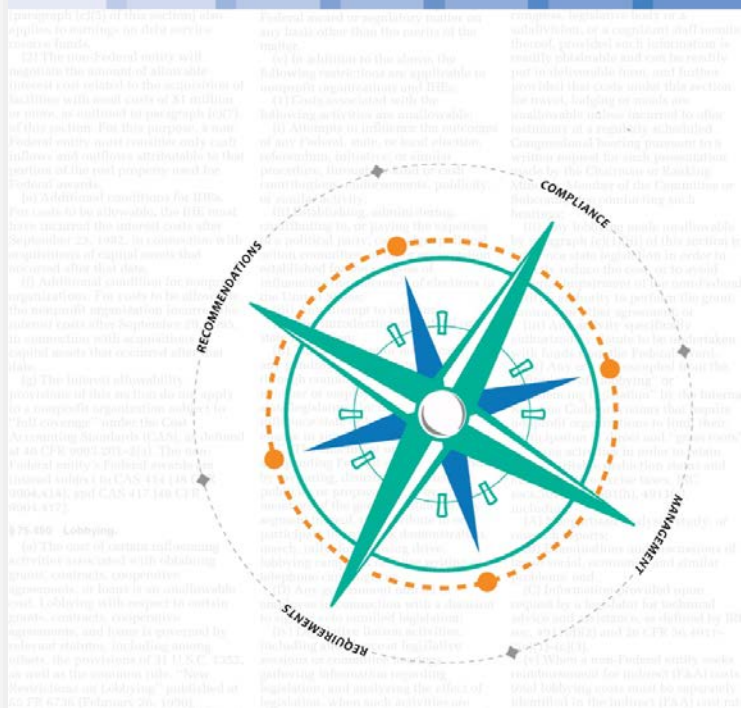


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CAPLAW CSBG Org. Standards Resource Guide





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CSBG Organizational Standards

- 1 CONSUMER INPUT AND INVOLVEMENT
- 2 COMMUNITY ENGAGEMENT
- 3 COMMUNITY ASSESSMENT
- 4 ORGANIZATIONAL LEADERSHIP
- 5 BOARD GOVERNANCE
- 6 STRATEGIC PLANNING
- 7 HUMAN RESOURCE MANAGEMENT
- 8 FINANCIAL OPERATIONS AND OVERSIGHT
- 9 DATA AND ANALYSIS

Welcome!

This webpage links resources developed by CAPLAW to specific Community Services Block Grant (CSBG) Organizational Standards to help Community Action Agencies (CAAs) in their compliance efforts. For some Standards that we regularly receive inquiries about, we also include links to resources developed by the national Community Action Partnership. All of the resources developed by the national Community Action Partnership on the Standards are available on its [website](#). Note: CAPLAW is in the process of revising some of its resources pursuant to updates in the law; however, the concepts in these resources generally remain applicable.

Click on the Category and Standard number to view the Standard and available resources.

This resource was created by Community Action Program Legal Services, Inc. (CAPLAW) in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services Cooperative Agreement - Grant Award Number 90EY0441-02. Any opinion, findings, and conclusions, or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Health and Human Services, Administration for Children and Families.

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CSBG Organizational Standards

Click on the Category and Standard Number to view the Standard and available resources.

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1 CONSUMER INPUT AND INVOLVEMENT	Standard 1.1	
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3 COMMUNITY ASSESSMENT		
4 ORGANIZATIONAL LEADERSHIP		
5 BOARD GOVERNANCE		
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8 FINANCIAL OPERATIONS AND OVERSIGHT		
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Resources

CAPLAW Resource:

- [Tools for Top-Notch CAAs](#). This six-section Tool is intended to assist boards and management in their collaborative efforts to build well-governed and effective CAAs. Section 1. *Making Board Meetings Matter* of this Tool addresses the structure of board meetings and provides some guidance as to the content and timing of both financial and programmatic reports to the board.

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Bylaws Toolkit for CAAs

CAPLAW[®] BYLAWS Toolkit

Community Action Program Legal Services, Inc.

A Community Action Agency Reference

Spring 2008

The Rules CAAs Live By

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By Joel L. Kaleva, Esq.*

This toolkit is intended to guide Community Action Agencies (CAAs) in understanding and revising their existing bylaws. It is written primarily for private, nonprofit CAAs, however most of the principles discussed can also apply to public CAAs. Public CAAs should keep in mind, however, that they are not governed by the state nonprofit corporations laws discussed in this toolkit but instead by state laws governing municipalities.

An organization's bylaws should be treated as the operating manual for its board of directors. The bylaws set forth the everyday rules by which the organization is governed. Well drafted bylaws should clearly set forth the manner in which the board of directors is selected, meets, votes, and delegates its authority to others. Because these rules are directed at governance procedures, they are generally the same for all different types of nonprofit organizations, regardless of their mission or programs.

In order to keep its designation as a CAA and to receive Community Services Block Grant (CSBG) funding, a CAA must comply with the requirements of the federal CSBG Act, which requires that the organization be governed by a tripartite board. Because of the tripartite board structure required by the CSBG Act, CAAs must include a number of provisions in their bylaws not found in a typical nonprofit's bylaws.



When drafting or revising their bylaws, CAAs should be sure to review the CSBG Act's tripartite board requirements. (To view the codified version of the CSBG Act visit

www.access.gpo.gov/nacode/title42/chapter106.html, see 42 U.S. Code section 9910 for the tripartite board requirements that apply to CAAs.) In addition, CAAs should check their state's CSBG law, regulations or other guidance issued by the state CSBG office, as these authorities often require CAAs to include certain provisions in their bylaws.

In March of 2005, the federal Office of Community Services (OCS) issued Information Memorandum No. 82 (IM 82) to provide OCS's interpretation of some of the CSBG Act's board requirements and

recommendations on how CAAs can meet those requirements.

Throughout this toolkit, we will point out OCS's recommendations as they are pertinent to the subjects being covered. For a copy of IM 82, visit

www.acf.dhs.gov/programs/ocs/csbg/documents/im82.pdf.

Note that IM 82 is not law or binding authority for CAAs or the state CSBG offices; some of its recommendations may conflict with state laws that apply to a specific CAA. Each state has its own statutes that apply to nonprofit organizations, and these can vary from state to state. Thus, it is important for each CAA to closely evaluate the special rules that apply to it to ensure that its bylaws comply with both federal and state law requirements.

* Joel L. Kaleva, Esq., is a partner in the Minnesota, Montana office of Crowley, Haughey, Hansen, Toole and Dietrich, PLLP. Mr. Kaleva's practice focuses entirely on representing nonprofit organizations, including Community Action Agencies and other public charities, private foundations, and trade associations. Mr. Kaleva may be reached by phone at (406) 523-3600 or by e-mail at jkaleva@crowleylaw.com.

** This toolkit contains general information and is not intended as legal advice.

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Board Self-Training Tool

COMMUNITY SERVICES BLOCK GRANT




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for
**NONPROFIT
BOARDS**

GOVERNANCE

Tripartite Board Composition
and Selection

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COMMUNITY SERVICES BLOCK GRANT



Trainning
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**PUBLIC CAA
BOARDS**

GOVERNANCE

Tripartite Board Composition
and Selection

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Case Studies on Democratic Selection of Low-Income Sector Board Members

Raising the Low-Income Voice

Case Studies in Democratic Selection Procedures

INTRODUCTION

Since the inception of the Economic Opportunity Act, a fundamental goal of Community Action has been to provide low income individuals with a voice in the administration of its poverty alleviating programs. With the Community Service Block Grant's (CSBG) call to achieve "maximum participation" of the low income community in the development, planning, implementation, and evaluation of CSBG funded programs, a critical venue for the low income community's participation is through their representation on the tripartite board.

Despite the importance placed on maximum participation of the low income community, there is relatively little federal law that explains what this means in the context of democratic selection procedures. The federal CSBG Act requires that "(i) not fewer than 1/3 of the members [of the board] are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and (ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community ... resides in the neighborhood represented by the member."



The only further federal guidance comes in the [Information Memorandum \(IM\) 82](#) from the Office of Community Services (OCS). This nonbinding guidance advises Community Action Agencies (CAAs) to "assure that board members representing low-income individuals and families...have been selected on the basis of some form of democratic procedure either directly through election, public forum, or, if not possible, through a similar democratic process such as election to a position of responsibility in another significant service or community organization such as a school PTA, a faith-based organization leadership group; or an advisory board/governing council to another low-income service provider." IM 82 advises CAAs to ensure democratic selection procedures "directly through election [or] public form," but if that is not possible, it lists a number of alternatives. These case studies are focused on the "direct" democratic procedures. If a CAA determines that direct democratic procedures are not possible, it will likely be able to comply with the law by creating what may be called "micro" democratic selection procedures, whereby the CAA asks another entity comprised primarily of individuals elected from the low-income community (e.g., a tenants association from a local low income housing development) to select someone from their organization to sit on the CAAs board.

While it is clear that CAAs must establish some kind of democratic selection procedure, it is not clear from the federal law what those procedures should, or may, look like. Given this, it may come as no surprise that one of the more common questions asked of CAPLAW is, "How do we conduct a democratic selection process?" Therefore, we have created these case studies to help the Community Action network answer this question by learning from their peers.

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Tools for Top-Notch CAAs



TOOLS FOR TOP-NOTCH CAAs: A PRACTICAL APPROACH TO GOVERNANCE AND FINANCIAL EXCELLENCE

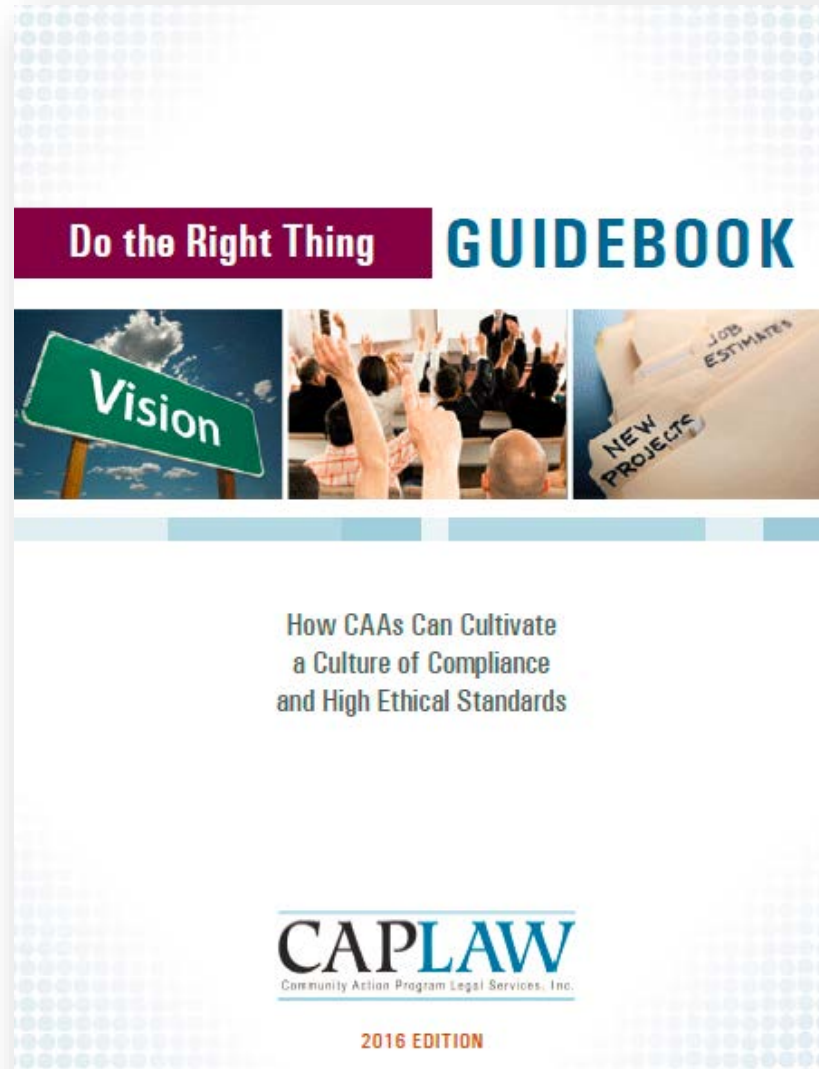
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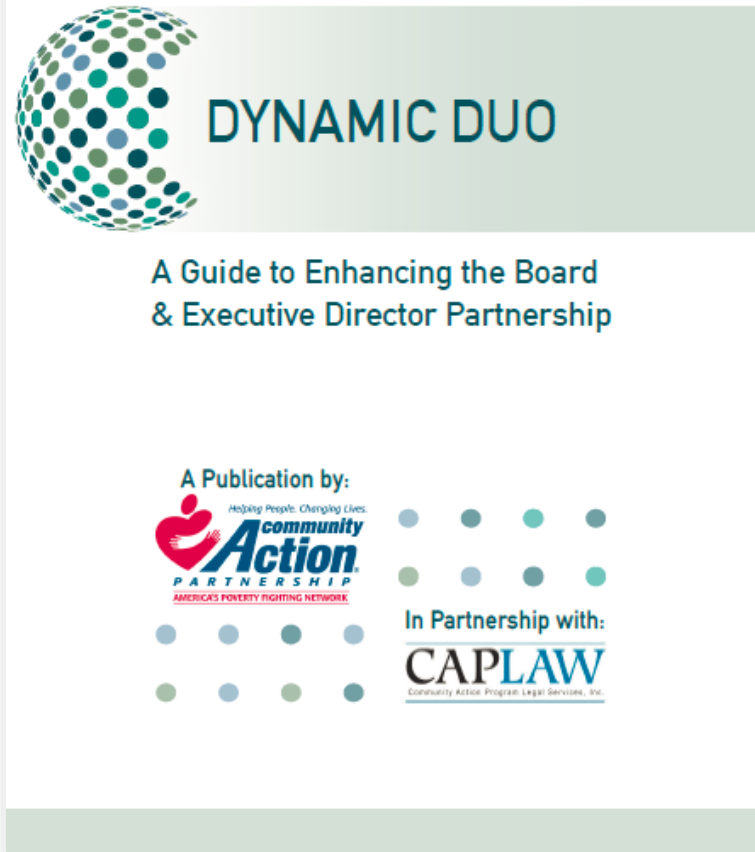
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Compliance and Ethics Guidebook



Guide to Board-ED Relationship



Public CAA Board Case Study

PUBLIC CAA CASE STUDY



The Power of a Tripartite Board

September 2016

INTRODUCTION: The Board's Role in the CSBG Organizational Standards

This case study focuses on how the tripartite board of a public Community Action Agency (CAA) fulfills its responsibilities with respect to the Community Services Block Grant (CSBG) Organizational Standards set forth in the federal Office of Community Services' (OCS) Information Memorandum (IM) No. 138. Because a public CAA and its tripartite board are usually operating under the auspices of an established local government framework, the applicability of the CSBG Organizational Standards (Standards) is markedly different from their applicability to a nonprofit CAA.

While the federal CSBG Act requires the board to "participate actively in the development, planning, implementation and evaluation"¹ of Community Action programs, the reality of how to fulfill this role in an impactful way is not always clear. A public CAA tripartite board often perceives its ability to act on behalf of the public CAA as limited by the level of authority delegated to it by the local governing body. Even though establishing a delegation of authority arrangement is necessary and important, doing so does not lessen the impact and role the board plays. As you will see in this case study, defining and establishing the role of your public CAA tripartite board helps to foster a positive relationship between the board and the local governing officials and results in more engaged and effective board members.

After spending time speaking with representatives of Montgomery County Community Action Agency (MCCAA), a public CAA in Maryland, we were impressed by the ways in which its tripartite board helps the CAA achieve compliance with the Standards. Two key characteristics stand out with MCCAA's board – they understand the vital role they play and they embrace that role. Even though MCCAA's delegation of authority arrangement does not often place the tripartite board in a decision-making position, the board continually manages to effect change. This case study highlights many of the ways in which the board does so. The board not only takes very seriously the recommendations it is asked to make but it is also constantly advocating on behalf of MCCAA and the low-income community. A few of the ways in which the board fulfills its responsibilities include: developing and implementing initiatives to engage the community served; regularly meeting with local government officials; participating in county-wide hearings and meetings; and collaborating with other county groups to ensure the community's needs are met.



MCCAA acknowledges that it is not yet 100% in compliance with the Standards but the ongoing efforts of its tripartite board to reach that goal are inspiring and, we hope, informative, especially for those public CAA tripartite boards that are struggling with challenges related to compliance with the Standards. Throughout the case study, we identify Standards that we believe MCCAA's tripartite board is either addressing or attempting to address through its actions. Our goal with this case study is not to identify all of the Standards that may be met through the board's efforts; but rather, to highlight key characteristics of the board that contribute to its effectiveness and compliance with CSBG Organizational Standards.

¹ 42 U.S.C. § 9910 (b)(1)(C).

Public CAA Training Module

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Outline Thumb Notes Search

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Public CAA Training Module

Training Agenda

1. What is a Public CAA?
2. Governing Law
3. Tripartite Board Overview
4. Composition and Selection of Tripartite Board
5. Tripartite Board Size, Terms and Term Limits
6. Roles and Responsibilities of Tripartite Board
7. Powers of Tripartite Board
8. Engaging Tripartite Board
9. Role of Public CAA in Local Government
10. Maximizing and Leveraging Resources
11. Challenges Faced by Public CAAs

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CHAPTER 5 | Tripartit... 00:02

Tripartite Board Size 03:57

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Tripartite Board Term... 01:13

Quiz: Chapters 3, 4 & 5 00:05

75 Minutes 59 Seconds Remaining

Online Guide to CAA Shared Services and Mergers



INTRODUCTION

MERGERS

SHARED SERVICES

RESOURCES

Increasingly, Community Action Agencies (CAAs) are exploring shared services and mergers as strategies to improve their sustainability and enhance their efficiency and effectiveness. CAPLAW has prepared this guide to help CAAs and other Community Services Block Grant (CSBG) organizations better understand these arrangements. The guide includes questions and answers on shared services and mergers, as well as additional resources – including case studies prepared by CAPLAW on CAAs that have shared services or merged (or both) with another organization, information on books and online publications on these topics, and more. Review the various Q&A in this guide to get an overview of shared services and mergers or click on the particular topic and questions that are of interest to you. Stay tuned for future updates; as CAPLAW gathers more information about these topics, we will add additional Q&A and resources to this guide.

