



California Fair Political Practices Commission

July 14, 1986

Linda A. Beliveau
Deputy County Counsel
County of Sonoma
75 Administrative Drive, Room 116A
Santa Rosa, CA 95401-2881

Re: Sonoma County Area Agency on
Aging
Our File No. I-86-222

Dear Ms. Beliveau:

This is in response to your May 12, 1986 letter seeking assistance under the conflict of interest code provisions of the Political Reform Act.^{1/}

QUESTION

You asked if the members of the Advisory Council to the Sonoma County Area Agency on Aging are "designated employees" as defined by Section 82019 and should be covered by the Agency's conflict of interest code.

CONCLUSION

The members of the Area Agency on Aging's Advisory Council do not make or participate in the making of governmental decisions within the meaning of 2 Cal. Adm. Code Section 18700; are not "designated employees" as defined by Section 82019; and should not be covered by the Agency's conflict of interest code.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

ANALYSIS

The Sonoma County Area Agency on Aging is an organization providing services to the senior citizens in the County of Sonoma. The Agency contracts with private or public organizations (service providers) to accommodate the needs of the elderly, such as providing hot meals or transportation. The County Board of Supervisors serves as the Agency's Board and is the Agency's final decision-maker. The Agency maintains a staff, various working committees, and an Advisory Council all of which work in concert with each other to implement the goals and objectives of the Agency.

Some of the duties and powers of the Advisory Council include, but are not limited to:

- (1) Serving as an advisor to the Sonoma County Board of Supervisors;
- (2) Acting as an independent advocate for older persons, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons; and
- (3) Being actively involved in the development, implementation and monitoring of the area plan.

The area plan is an annually prepared plan which identifies the needs of the elderly and develops a plan to fulfill those needs.

With your May 12, 1986 letter you submitted several fact sheets which describe the typical duties and functions of the staff, committees and Advisory Council with respect to developing policy or programs of the Agency and which define the line of authority in implementing those programs or policies.

One such activity is the Request for Proposal Policies and Procedures. The Agency, through an open-bid process, awards contracts to service organizations to service a particular need in accordance with the Area Plan. The staff and the Area Plan and Project Review Committee work to secure bids through a formal public advertising and bid process.

The Area Plan and Project Review Committee reviews all applications for funding and presents to the Advisory Council a list of all agencies submitting applications, as well as a list

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of what applications meet the specific requirements of the request for proposal.

The Area Plan and Project Review Committee recommends to the Advisory Council which applications should be funded. The Advisory Council has the power to accept, modify or reject any recommendation of the Area Plan and Project Review Committee. The Advisory Council screens the applications and decides which applications will or will not be submitted to the Board of Supervisors for approval.

In our telephone conversation of July 7, 1986 you indicated that before the Advisory Council makes its final recommendation to the Board, the agency notifies all applicants of the proposed recommendation. All applicants are invited to the meeting of the Board of Supervisors to object to the Council's proposed award. The Board of Supervisors has in the past rejected the recommendations of the Advisory Council and awarded the bid to a different applicant.

With respect to the procedures used in making policy or developing programs, you indicated that before any issue or proposed policy is submitted by the Advisory Council to the Board of Supervisors, the County Administrator who serves as the Agency's Director, reviews all proposed actions and decides if the issue warrants submission to the Board, and, if so, is the resolution to the issue appropriate. The County Administrator is a public official covered by the conflict of interest disqualification and disclosure provisions of the law, as, of course, are the members of the Board of Supervisors. Sections 87100 and 87200, et seq.

Section 82019 provides that a "designated employee" is an officer, employee, member or consultant of any agency whose position with the agency . . . is designated in a conflict of interest code, because the position entails the making or participation in the making of decisions which may foreseeable have a material financial effect on any financial interest. A "designated employee" does not include an elected state officer, any unsalaried member of any board or commission which serves a solely advisory function. (Emphasis added.)

The Commission has adopted regulation 2 Cal. Adm. Code Section 18700 which defines "making or participating in the making of a governmental decision." Regulation 18700 provides that:

(a) "Public official at any level of state or local government" means every natural person who is a

member, officer, employee or consultant of a state or local government agency.

(1) "Member" shall include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority. A board or commission possesses decision-making authority whenever:

* * *

(C) It makes substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

* * *

(c) A public official or designated employee "participates in the making of a governmental decision" when, acting within the authority of his or her position, he or she:

(1) Negotiates, without significant substantive review, with a governmental entity or private person regarding the decision; or

(2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:

(A) Conducting research or making any investigation which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision; or

(B) Preparing or presenting any report, analysis or opinion, orally or in writing, which requires the exercise of judgment on the part of the official or designated employee and the purpose of which is to influence the decision.

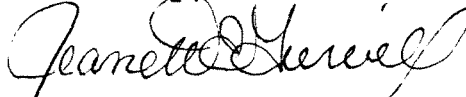
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Applying this regulation to the facts presented, we note that the Advisory Council, in the policy and program development aspects of the Agency's activities, does not have final review and approval before submission to the Board of Supervisors. The County Administrator reviews all actions of the Advisory Council prior to submission to the Board for consideration.

With respect to the Request for Proposal procedure, although the Advisory Council makes the final recommendation to the Board of Supervisors based on staff analysis, the Board has a history of rejecting the recommendations of the Council and awarding a bid to a different applicant. The Advisory Council members are not making or participating in the making of governmental decisions within the meaning of Commission regulation 2 Cal. Adm. Code Section 18700. Accordingly, the Advisory Council members are not "designated employees" within the meaning of Section 82019.

If you have any questions or need further assistance, please do not hesitate to contact me at (916) 322-5901.

Sincerely,



Jeanette E. Turvill
Legal Assistant
Legal Division

JET:plh

JAMES P. BOTZ
COUNTY COUNSEL

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LINDA A. BELIVEAU

May 12, 1986

Jeannette Turvill
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Re: Sonoma County Area Agency on Aging

Dear Ms. Turvill:

I am counsel for the Sonoma County Area Agency on Aging, and am drafting a Conflict of Interest Code for it. I would appreciate your agency's opinion regarding whether the members of the Area Agency on Aging's Advisory Council are "designated employees" or whether they are exempted from disclosure requirements as "unsalaried members of a commission which serves a solely advisory function," pursuant to Government Code section 82019.

I have enclosed a copy of the Sonoma County Advisory Council's by-laws for your reference. The members receive no salary; however, they are reimbursed for their out-of-pocket expenses, as provided by Article XVI of the by-laws on page eight.

The Advisory Council is involved in policy and program development and the awarding and monitoring of contracts. As you can see, the Area Agency on Aging's Policy and Procedures (p.36) require that council members excuse themselves from making decisions in which they have a conflict of interest. I have included a copy of the pertinent sections of the Sonoma County Area Agency on Aging's Policies and Procedures for your reference as well as a copy of Welfare and Institutions Code section 9360 through 9365 which govern local advisory councils. While the Council is active in the decision-making process, the Sonoma County Board of Supervisors, which serves as the Area Agency on Aging's Board of Directors, is the final decision-maker.

Jeannette Turvill
Fair Political Practices Commission

May 12, 1986
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I appreciate your assistance in this matter. Please do not hesitate to contact me should you require any additional information or have any questions regarding this matter.

Very truly yours,



LINDA A. BELIVEAU
Deputy County Counsel

LAB:vt

Enclosures

CC: Eddy Laine, Local Area Agency on Aging

JAMES P. BOTZ
COUNTY COUNSEL

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June 13, 1986

Ms. Jeannette Turvill
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Re: Sonoma County Area Agency on Aging

Dear Ms. Turvill:

On May 12, 1986, I requested an opinion from you regarding whether the members of the Area Agency on Aging's advisory counsel are "designated employees" or whether they are exempted from disclosure requirements as "unsalaried members of a commission which serves a solely advisory function," pursuant to Government Code Section 82019. I have enclosed a copy of that letter for your reference. I understand that you are quite busy but would appreciate an indication, if possible, when I might expect a reply to my inquiry.

Please do not hesitate to contact me should you have any questions or require additional information in order to render an opinion on this matter. Thank you for your assistance.

Very truly yours,



LINDA A. BELIVEAU
Deputy County Counsel

LB:dlb
Enclosure
cc: Eddy Laine, Area Agency on Aging

CHAPTER 4.4

Area Agency on Aging Advisory Council

[Added by Stats 1980 ch 912 § 12.]

§ 9360. Establishment

§ 9361. Duties and powers

§ 9361.5. Council to be nonpartisan

§ 9362. Staff; Reimbursement for expenses; Annual specialized training for members

§ 9363. Annual report

§ 9364. Adoption of bylaws; Membership of council

§ 9365. Construction

Cross References:

Definitions: §§ 9100 et seq.

California Commission on Aging: §§ 9200 et seq.

Department of Aging: §§ 9300 et seq.

Area agencies on aging: §§ 9350 et seq.

§ 9360. Establishment

The Legislature hereby declares and recognizes each area agency on aging advisory council as a principal advocate body on behalf of older persons within a planning and service area.

Added Stats 1980 ch 912 § 12.

§ 9361. Duties and powers

The duties and powers of each area agency on aging advisory council shall be to:

- (1) Serve as adviser to the area agency on aging;
- (2) Act as an independent advocate for older persons, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons;
- (3) Actively seek advice from community councils on aging, senior advocacy organizations, local aging commissions, elected officials, and the general public for the purpose of advocating for and making formal presentations on issues of concern to older persons;

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§ 9353. Staff

The area agencies on aging shall:

- (a) Be headed by a full-time director;
- (b) Request other staff in the area plan, subject to the approval of the Department of Aging; and
- (c) Have a staffing level sufficient to carry out its powers and duties as required.

Added Stats 1980 ch 912 § 11.

Cross References:

Department of Aging: §§ 9300 et seq.

§ 9354. Limitation on use of funds for program development, advocacy, and coordination

- (a) All planning and service areas shall use no more than 10 percent of their annual total baseline allocation received pursuant to Title III B (42 U.S.C. Sec. 303(d)) for program development, advocacy, and coordination.
- (b) Area agencies on aging shall not use state match funds for the purpose of program development, advocacy, and coordination.
- (c) Program development activities are those activities which either establish a new service or improve, expand, or integrate existing services. These activities shall achieve a specific goal or objective and occur within a specific time frame.
- (d) Of the allowable 10 percent available for program development, advocacy, and coordination activities, at least 20 percent shall be budgeted for advocacy activities by area agency on aging advisory councils.
- (e) All other activities not specifically budgeted as advocacy, but undertaken on behalf of advisory council operations, shall be charged to area plan administration and shall be subject to any limitations on the amount of funds which are allocated for administration of the area plan.

Added Stats 1984 ch 268 § 37.6, effective June 30, 1984.

SONOMA COUNTY AREA AGENCY ON AGING

2230 PROFESSIONAL DRIVE SUITE 102 SANTA ROSA, CALIFORNIA 95401
PHONE (707) 527-3138



ADOPTED JANUARY 28, 1986

SONOMA COUNTY ADVISORY COUNCIL, AREA AGENCY ON AGING

BY-LAWS

ARTICLE I

NAME

The name of this organization shall be the Advisory Council of Sonoma County Area Agency on Aging, hereafter known as the Council.

AUTHORIZATION

The Sonoma County Board of Supervisors on June 7, 1977, established the Sonoma County Commission on Aging to provide them with assistance and advice on matters dealing with the elderly.

The Board took action on December 11, 1979, to establish the Sonoma County Area Agency on Aging and name the Commission on Aging as the Advisory Council to the Board of Supervisors on the Area Agency's functioning. On May 14, 1980, the Sonoma County Board of Supervisors was designated as the Area Agency on Aging, Planning and Service Area No. 27 and the Commission on Aging in fact became the Advisory Council. This action completes the major goal of the original Commission on Aging.

ARTICLE II

STATEMENT OF DUTIES AND POWERS OF THE COUNCIL

- Sec. 1. Serve as advisor to the Sonoma County Board of Supervisors (who is the Area Agency on Aging).
- Sec. 2. Act as an independent advocate for older persons, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons.
- Sec. 3. Actively seek advice from community councils on aging, senior advocacy organizations, local aging commissions, elected officials, and the general public for the purpose of advocating for and making formal presentations on issues of concern to older persons.
- Sec. 4. Inform local senior advocates and organizations on specific legislation pending before local, state and federal governments.
- Sec. 5. Disseminate information of interest and concern to older persons.
- Sec. 6. Be actively involved in development, implementation and monitoring of the area plan.

ARTICLE II (cont'd)

- Sec. 7. Hold an annual area-wide meeting of senior advocates and organizations to prepare for the priorities for the ensuing year and elect delegates for the state-wide legislative meeting of senior advocates.
- Sec. 8. Hold public hearings on the area plans with no less than 30-day notification to the general public and the aging constituency regarding dates, time and location. Such notification shall contain understandable descriptions of Area Agency on Aging and community-level plans in order to promote informed input.

ARTICLE III

MEMBERSHIP

- Sec. 1. In compliance with Federal and State regulations, membership of the Council shall be composed of a majority of persons sixty (60) years of age or older.
- Sec. 2. Members shall reflect the geographic, racial, economic and social complexion of Sonoma County. By geographic, it is meant that at no time shall any supervisory district be represented by more than five (5) on the Advisory Council.
- Sec. 3. The Council shall consist of twenty-one (21) members.
- Sec. 4. Council members may serve for two (2) years and may be reappointed/relected for additional terms.

ARTICLE IV

DESIGNATION PROCESS

- Sec. 1. No more than fifty (50) percent of the Council's membership shall be appointed by one official or body of officials.
- Sec. 2. A) The Area Agency on Aging (Board of Directors) shall appoint ten (10) area representatives, two from each supervisory district.
- When a seat from a supervisory district becomes vacant, it shall be filled by that district supervisor.
- B) The following organizations shall each appoint a representative from their organization: (a) the Nutrition Project Council, (b) the Native American Nutrition Site Council, (c) the Sonoma County Council for Community Services, and (d) the Sonoma County Association of Mayors and Council members.
- C) The Advisory Council shall appoint seven (7) members. One of these members shall serve as a representative for the disabled of Sonoma County (nominated by an organization or organizations representing the disabled).

ARTICLE IV (cont'd)

Sec. 3. The selection process by the Advisory Council shall be as follows:

- A) The Executive Committee acts as a standing membership committee and they shall receive and review all applications, taking into consideration Article III, Sections 1 and 2. The committee's recommendations shall be submitted to the full Advisory Council and a majority vote is required for final selection.
- B) Applications may be submitted by individuals, groups or organizations in the Planning and Service Area (PSA 27).
- C) Applicants' names shall remain in the potential membership pool for a minimum of two (2) years.
- D) Notice of vacancies shall be published county-wide and shall be filled by the foregoing process.

ARTICLE V

ATTENDANCE AT MEETINGS

Sec. 1. All members shall be in attendance at the hour appointed for each regular, special or recessed meeting of the Council. No person may be absent for more than three (3) consecutive regular meetings without written notice and approval of the Executive Committee.

Sec. 2. Members shall be replaced according to the designated process as shown in Article IV. A written notice of delinquency shall be sent to the member immediately after the third consecutive absence.

ARTICLE VI

OFFICERS

Sec. 1. The officers of the Council shall be a Chairperson, Vice-chairperson and a Secretary. They shall be elected at the annual meeting. Each term of office shall be for one year and officers may serve only two consecutive terms in any one office.

Sec. 2. Should the office of Chairperson become vacant, the Vice-chairperson shall succeed to that office. Any other vacancies occurring shall be filled by the Executive Committee for the remainder of the unexpired term.

ARTICLE VII

NOMINATIONS AND ELECTIONS

Sec. 1. The Nominating Committee shall consist of three members, who shall be appointed by the following process: at least ninety (90) days prior to the election, or at the March meeting, the Advisory

ARTICLE VII (cont'd)

Council Chair, the Executive Committee, and the Advisory Council, each shall appoint one member.

- Sec. 2. The members of the Nominating Committee shall serve no more than one (1) consecutive appointment.
- Sec. 3. The Nominating Committee shall meet in the AAA office prior to the April Advisory Council meeting to prepare a slate of nominees. The Nominating Committee report shall be signed by each member and indicate the nominees to the offices of Chairperson, Vice-chairperson and Secretary. This slate of candidates shall be mailed to all members of the Advisory Council immediately following the April Council meeting.
- Sec. 4. Additional nominations may be made from the floor. The election shall take place at the annual May meeting at which time all nominees must either be present to affirm his or her consent to serve or have provided a signed written consent to serve. Should a member of the Nominating Committee be a nominee for one of the offices of the Council, that person shall resign and the Chairperson of the Advisory Council appoint a replacement.
- Sec. 5. The Nominating Committee shall have the responsibility for arranging for a secret ballot and tally and report the results to the Council.
- Sec. 6. A) An individual receiving a plurality of the votes for any of the offices shall be deemed to have been elected and will assume office immediately.
- B) In the event of a tie vote, there shall be a second ballot on that particular office. If a second vote also ends in a tie, the office shall be filled by the toss of a coin.

ARTICLE VIII

DUTIES OF OFFICERS

- Sec. 1. The Duties of the Chairperson shall be to:
- A. Preside at all meetings of the Council and of the Executive Committee;
 - B. Call special meetings of the Council and the Executive Committee when necessary;
 - C. Appoint members of committees to be ratified by the Council per Article XV, Sec. 1. (except the Nominating Committee per Article VIII, Sec. 1);
 - D. Serve as an ex-officio member of all committees except the Nominating Committee;
 - E. See that members of the public have an opportunity to speak on agenda items at the appropriate time;
 - F. Perform all duties necessary or incidental to this office; and

ARTICLE VIII (cont'd.)

- G) Appoint a temporary Secretary in the event of the absence of the Secretary at any meeting of the Council;
- H) Appoint a Parliamentarian.

Sec. 2. Duties of the Vice-chairperson

The Vice-chairperson shall perform the duties and exercise the power of the Chairperson during the absence of the Chairperson.

- Sec. 3. The Secretary shall assure that the minutes of each Council and Executive Committee meeting are kept. In the absence of the Chair and Vice-Chair the Secretary shall perform the duties and exercise the power of the Chairperson during his/her absence.

Sec. 4. Absence of the Officers

In the absence of all of the officers at any Council meeting the members present shall choose a presiding officer for that meeting.

ARTICLE IX

VOTING REQUIREMENTS AND PROCEDURES

- Sec. 1. Every member must be present in person to vote and no proxies are to be recognized. A majority of members shall constitute a quorum and is necessary for a meeting to be held. At the discretion of the Chair each member shall vote by roll call on each issue that comes before the Council for discussion.

ARTICLE X

REGULAR MEETINGS OF THE COUNCIL

- Sec. 1. The Council shall hold a regular meeting on the third (3) Wednesday of each month at the location determined at the preceding meeting. If the regular meeting day falls on a legal holiday the Council may fix another day. All meetings shall be open to the public except for those which, pursuant to the Brown Act, are convened to deal specifically with personnel.
- Sec. 2. All meetings of the Council shall be tape recorded and the tapes kept for one year.

ARTICLE XI

SPECIAL MEETINGS OF THE COUNCIL

- Sec. 1. Special meetings of the Council may be called by order of the Chairperson or may be called by five (5) members of the Council by delivering personally or by mail written notice of each member of the Council and a local newspaper of general circulation and a radio or television station. Such notice shall be delivered personally or by mail at

ARTICLE XI (cont'd.)

least twenty-four (24) hours before the time of such meeting, as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting by the Council.

ARTICLE XII

PUBLIC HEARINGS

- Sec. 1. Prior to the adoption of the annual Area Plan or subsequent amendments to the Area Plan, public hearings shall be held allowing area residents the opportunity to comment. Such public hearings shall be widely advertised and shall follow procedures established by the Council. No quorum is necessary for a public meeting and no business will be transacted unless the requirements for a regular or special meeting have been met.
- Sec. 2. The Council may call public hearings on any of its proposed reports or statements and may assign the responsibility for such meetings to a committee.

ARTICLE XIII

MINUTES AND AGENDA OF REGULAR MEETINGS

- Sec. 1. The minutes of each meeting of the Council shall be delivered personally or by mail to each member of the Council no later than forty-eight (48) hours prior to the next meeting and be made available to all other persons requesting them.
- Sec. 2. The Agenda of meetings, including the time and place, shall be delivered personally or by mail to the members of the Council at least forty-eight (48) hours prior to the time of the meeting.

ARTICLE XIV

REPORTS AND PUBLIC STATEMENTS

- Sec. 1. All reports of the Council ordinarily shall be delivered personally or by mail in draft form to each member of the Council prior to the date of the meeting at which such support is proposed for consideration and action thereon by the Council.
- Sec. 2. Approval of any report, oral or written, or public statement of Council members shall require the majority vote of the active members.
- Sec. 3. None of the above shall preclude any Council member from expressing his or her opinions or recommendations when acting solely as an individual and not as a member of the Council.
- Sec. 4. All communications from the Council shall be sent out over the authorized signature of the Director/or the Chairperson of the Council.

ARTICLE XV

COUNCIL COMMITTEES

Sec. 1. COMMITTEE ORGANIZATION AND PROCEDURES

- A) The committees of the Council may be composed of Council members and volunteers, with the exception of the Executive Committee, Area Plan and Project Review and Nominating Committees, which shall be composed of Council members only (per ARTICLE VIII, Sec. 1C).

Each Council member shall serve on at least one committee.

The membership of each committee shall select its own chairperson. No chairperson shall serve more than two (2) consecutive years as chairperson of any one committee.

- B) Volunteers may serve on Advisory Council committees except those listed in Sec. 1A). Appointments are for one-year terms. Advisory Council members must constitute a majority of the membership of each committee.
- C) Meetings of the respective committees shall be held subject to the call by the respective chairperson thereof or upon request by a majority of the members, provided written or oral notice is given to each member at least seventy-two (72) hours prior to the time of the meeting.
- D) The Council and its committees when holding public meetings in the community shall have its objective to draw upon the community people who have concerns in the fields being examined, and invite them to participate in arriving at conclusions.
- E) All recommendations and/or reports of the committees shall be brought to the council in writing through the chairperson of the committee or the designated person.

Sec. 2. STANDING COMMITTEES

Executive Committee

- A) The Executive Committee shall consist of the Chairperson, Vice-chairperson, Secretary, Chair of Standing Committees and the immediate Past Chairperson.
- B) The duties of the Executive Committee shall be to develop agendas for regular and special meetings and review staff recommendations. It shall make recommendations to the Council, or if an emergency situation prevails, act upon such matters as are brought up for consideration by the Chairperson or by any members of the committee. It shall report back to the Council on its actions at the next regular meeting of the Council.
- C) The Executive Committee shall deal with all membership issues.

ARTICLE XV (cont'd)

Area Plan and Project Review Committee

- A) Develop with staff and recommend to the Advisory Council the Agency's Area Plan prior to its adoption by the Area Agency on Aging (Board of Supervisors).
- B) Review all submitted projects and proposed applications for grants and/or contracts from Area Agency on Aging funds to make recommendations thereon to the membership of the Council.
- C) Monitor and evaluate the implementation of the Area Plan objectives.
- D) Make recommendations to the Council relative to other projects and funding sources not included in the Area Plan.

Legislative Committee

- A) The Legislative Committee will study and review all legislative issues and concerns related to the well-being of the older people of Sonoma County and make appropriate recommendations to the Advisory Council.

Nutrition Committee

- A) The Nutrition Committee will study and review all issues and concerns related to the operation of the Nutrition Program and make appropriate recommendations to the Advisory Council.

Sec. 3. ON-GOING AND SPECIAL COMMITTEES

- A) On-going committees include: Health and Welfare, Housing, By-Laws and Procedures, and Transportation.
- B) Special committees may be created for a limited time by the Council for the purpose of studying or handling special subjects.

Sec. 4. Reports and/or recommendations of all committees shall be made to the full Advisory Council.

ARTICLE XVI

REIMBURSEMENT FOR MEMBERS

Sec. 1. Members shall be reimbursed for out-of pocket expenses in performing functions relating to advocacy for Older Americans within the limits of the budget of the Area Agency on Aging.

ARTICLE XVII

AMENDMENTS TO BY-LAWS

Sec. 1. Notice of any proposed amendment to these By-Laws shall be delivered personally or by mail to each member of the Council at least thirty (30) days in advance of the meeting, at which time the amendment is to be considered.

ARTICLE XVII (cont'd)

AMENDMENTS TO BY-LAWS (continued)

Sec. 2. All amendments to the By-Laws may, after thirty (30) days notice, be adopted by the affirmative vote of two-thirds (2/3) of all members of the Advisory Council and with the approval of the Board of Supervisors.

ARTICLE XVIII

PARLIAMENTARY RULES

Sec. 1. On a question or point of order not contained in these By-Laws, the Council shall be governed in its parliamentary actions by Roberts' Rules of Order (revised) in which Roberts' Rules of Order (revised) are not inconsistent with these By-Laws.

SONOMA COUNTY AREA AGENCY ON AGING

2230 PROFESSIONAL DRIVE SUITE 102 SANTA ROSA, CALIFORNIA 95401
PHONE (707) 527-3138



POLICY DEVELOPMENT PROCEDURES

General Guidelines

- A. No AAA policy may be contrary to the Older Americans Act, Older Californians Act, California Department of Aging regulations, or County of Sonoma policy.
- B. The AAA may establish policies when the Acts or regulations clearly authorize the AAA to do so, when alternatives in implementing a provision are permitted, or when the Acts or regulations are silent on the matter.

Definition:

- A. The first refers to a clearly defined course of action formally adopted by the AAA through resolution of the County Board of Supervisors, and specifying the measures to be taken by the AAA to pursue that course of action.
- B. The second refers to proposed programmatic changes which do not constitute official AAA policy but which can be instituted by using the policy development procedures outlined in this section. Thus, policy development as described here can refer as well to proposals for change and procedures for resolution of issues.

Who May Initiate Policy Development

- A. Policy development begins with an issue statement, whether written or not, that can be originated by anyone who has a desire to see AAA policy either initiated, clarified, or changed.
- B. Initiation of policy development may be done by:
 1. General public, especially seniors;
 2. Users of senior services;
 3. Advisory groups to senior services, as well as the board of directors of senior service organizations;
 4. Staff and volunteers of senior organizations, including site staff and volunteers as well as control office personnel;

Policy Development Procedures

5. The Advisory Council of the AAA, any of the individual members or committees;
6. AAA staff;
7. The Sonoma County Administrator's Office, and any member of the AAA Board of Directors, i.e., County Board of Supervisors.

C. The steps to be followed in the policy development process depend upon who initiates the issue statement, as outlined below. (For a graphic illustration of this process see Attachment L -- Policy Development.)

IV. Policy Development Process

- A. In general the development of policy would be initiated as follows:
1. Policy issues raised by the public and by the users of senior services would be first directed to either the senior organization most likely affected by the issue or to AAA staff, depending on the issue.
 2. Issues raised at the level of senior organization would in general follow the lines of communication of that organization.
 - a. Staff and volunteer issues to their program director,
 - b. Advisory group issues to the program director,
 - c. Program director issues to their Board of Directors.
 3. Issues raised at the AAA level would likewise follow the lines of communication of the AAA:
 - a. Individual Advisory Council member or staff issues to the appropriate committee of the Advisory Council,
 - b. Committee issues to the full Advisory Council.
- B. If the initiated program change proposal or policy issue is not resolved at one of these entry points to the AAA information flow system, the issue would be redirected to the next most appropriate level. Issue resolution policy development proceeds as follows:
1. Issues with a senior organization would be directed to the advisory group to the organization or to their Board of Directors.
 2. Direction past the service provider level would be to the AAA staff, then to a Committee of the AAA Advisory Council, then the full Advisory Council.
 - a. Issues generally directed to the Committee and the Advisory Council involve program development, By-Laws, RFP procedure and awarding of funds.

Policy Development Procedures

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- b. Issues dealt with primarily by AAA staff include administration, personnel, accounting/fiscal functions and procedures, contract management.
- 3. Issues unresolved at the AAA level would be directed to the Office of the County Administrator and to the AAA Board of Directors, the County Board of Supervisors.
- C. Upon AAA receipt of a potential policy issue, either written or verbal, the following steps would be taken:
 - 1. Staff will write a discussion paper on the issue.
 - a. Information sources to be used for the discussion paper include:
 - 1) Existing Federal and State laws and regulations,
 - 2) Existing CDA and County of Sonoma policy,
 - 3) Input solicited from senior service providers, their providers, their advisory groups, and knowledgeable community sources.
 - b. The discussion paper will include:
 - 1) A clear statement of the issue,
 - 2) Presentation of factor or factors affecting or affected by the issue,
 - 3) Alternative policy positions which could be adopted,
 - 4) Advantages and disadvantages of the available alternatives.
 - c. The discussion paper will be disseminated to the AAA Advisory Council, the office of the County Administrator, and all concerned parties for their consideration and input. Where it is strongly divergent, AAA staff and Advisory Council will utilize workshops to analyze the input.
 - 2. The policy statement will be developed by AAA staff as a consequence of the above process and will include:
 - a. A brief background statement describing the need for policy
 - b. A clear statement of the policy,
 - c. Discussion of why the adopted position was taken.
 - d. An implementation plan which establishes time frames and places responsibility for actions to be taken.
 - 3. The policy statement will be brought before the appropriate Committee of the AAA Advisory Council for their review, then to the full Advisory Council.
 - 4. The final decision on all AAA policy lies with the Board of Directors of the AAA, the County Board of Supervisors. The Office of the County Administrator will be kept informed of each step of the policy development process. The Director of the AAA will

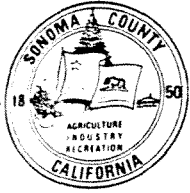
Policy Development Procedures

follow the following procedures for seeking approval of the AAA policy:

- a. Submission to the Board by 12:00 noon, on the Tuesday prior to the Board's regularly scheduled Tuesday hearings, of the resolution detailing the proposed policy change or addition.
 - b. Submission to the Board, at the same time, of a Summary Outline of the proposed policy change or addition including the following:
 - 1) Requested Board action
 - 2) Recommendation (if any)
 - 3) Background statement of problem or issue
 - 4) Discussion of alternatives (if any)
 - 5) Consequence of not acting (if any)
 - c. Prior to submission to the Board, the agenda issue should be properly coordinated with other affected agencies.
5. Upon approval by the Board of Supervisors, AAA staff will insure that all relevant follow-up work is completed.
- a. AAA Advisory Council is notified of the approved policy change,
 - b. Affected senior organizations are notified and steps initiated to implement any relevant policy changes,
 - c. The general public is notified if the policy change so indicates.

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PROGRAM DEVELOPMENT ACTIVITIES

DEFINITION

Program Development refers to those AAA activities which are directed to the fulfillment of goals and objectives for services to the elderly in Sonoma County. They are activities which ensure the development of a comprehensive and coordinated service delivery system, one which is responsive to the needs of the elderly. Toward this end the AAA formulates its annual Area Plan for senior services and effects a strategy for implementation of the goals stated therein.

Program Development activities include:

- * Implementation
- * Establishment of new services
- * Assessment and improvement of existing services
- * Pooling of resources and interagency coordination
- * RFP review and selection
- * Technical assistance to service providers
- * Training activities for grants development
- * Advocacy activities

NEEDS ASSESSMENT

A. Identifying Needed Services

The AAA will engage in those activities which point out the specific services lacking to older persons in the County, the provision of which services would enable the elderly to function with independence and dignity in their homes and in the community to their fullest capacities. These needs assessment activities may include:

1. Conducting surveys, including the general population, seniors, service providers, or key informants;
2. Reviewing existing information, including State and White House Conference findings, other human services needs assessments, other secondary sources of data.
3. Holding public forums or hearings to solicit public sentiment.

Program Development Activities

B. Ranking Needs

The AAA staff and Advisory Council will determine which of the identified needs are priorities by the following process:

1. Input will be solicited from all sources listed in "Identifying Needed Services" above.
2. The Area Plan and Project Review Committee of the Advisory Council will propose a ranking of needs based upon such input, sending the ranked list of needs before the full Advisory Council.
3. The suggested ranking of needs will be made public prior to Advisory Council action, and any subsequent public input considered in Advisory Council deliberations.
4. The Advisory Council's ranking will then be sent to the County Board of Supervisors for their approval, then entered into the Area Plan of the AAA.

III. SERVICE SYSTEM EVALUATION

A. The AAA staff and Advisory Council may obtain information on the existing service system through any of the following sources:

1. Conducting client satisfaction surveys.
2. Program monitoring procedures.
3. Examining other data sources: Census data will be analyzed annually to secure the most up-to-date elderly population figure. Utilization data provided by the subcontractors and other service providers may be used to supplement program monitoring data.
4. Informed sources input: AAA Advisory Council members may provide service system information, as well as other persons involved in the provision or use of services for the elderly.

B. Identification of Resources, Deficiencies, Gaps

1. Services which are needed but not now existent will be identified.
2. A comparison will be made of the stated needs with the effectiveness of existing services, especially identifying any excess services.

C. Establishing Priorities

1. With Advisory Council input the AAA will develop alternative approaches to meet the needs already identified.
2. Any developed alternatives will be investigated for potential funding and other resources possible for implementation, including volunteer or public employment programs.
3. Choosing the AAA funding priorities for the subsequent fiscal year will be done with both AAA staff analyses outlined above and Advisory Council input. Initial Advisory Council input will be developed at the committee level, with working Committee recommendations brought before the full Advisory Council.

Program Development Activities

AREA PLAN DEVELOPMENT

The sequence of steps to be followed in the development of the Area Plan proceeds as follows:

A. Review of CDA Guidance

This is an AAA staff function.

B. Draft Plan Development

1. AAA staff and the Area Plan and Project Review Committee of the Advisory Council will work in conjunction to formulate the various sections of the Area Plan.
2. All Committee recommendations will go before the full Advisory Council of the AAA for their review and comment.

C. Public Input in Plan Development

1. At least one public hearing will be held on the proposed Area Plan, notification of which will be made in at least one Sonoma County newspaper of county-wide circulation at least 30 days prior to the hearing.
2. Adequate notice of the hearing will be widely publicized through press releases and correspondence with appropriate service providers, organizations of older persons, and other potentially interested public and private agencies in Sonoma County.
3. The draft Area Plan will be available for review at the AAA offices. Summaries of major components of the Area Plan shall be available prior to and during the public hearing(s).

D. Plan Approval Process

1. The Advisory Council-approved Area Plan, with the attachment of a report on the comments received at the public hearing(s), will then be sent to the Board of Supervisors of Sonoma County, where the Chair of the Board shall sign the now County-approved Plan.
2. The Area Plan shall then be sent to the California Department of Aging for review and approval. If substantive changes are required prior to CDA approval, such changes shall go through the Committee, Advisory Council, Board of Supervisors' approval process outlined above.
3. CDA approval authorizes the use of the Area Plan as guidance for the development of services for the elderly of Sonoma County.

PROGRAM IMPLEMENTATION

A. Definition

Program Development Activities

Program implementation refers to those AAA initiated activities which will result in the improvement of services to the elderly of Sonoma County. It is a blueprint for action for the AAA and the senior service providers of the county. In program implementation specific community agencies or groups are charged with responsibility for action in improving these services.

B. Implementation Activities

1. Prepare annually a report that gives recommendations to improve the lives of older persons and a summary of activities for the previous year. The report shall be made available to the Area Agency on Aging, the Department of Aging, the California Commission on Aging and all other interested parties that seek a copy of the report.
2. Program implementation consists of at least the following AAA activities:
 - a. Establishing new services;
 - b. Assessment of currently available services and improvements to same;
 - c. Interagency coordination, pooling of resources, joint program operations to increase cost effectiveness;
 - d. Developing RFP's, proposal review and selection of sub-contracts planning, contract development assistance;
 - e. Technical assistance to service providers;
 - f. Advocacy activities.

C. Responsibilities

The County Board of Supervisors as the Board of Directors of the AAA is ultimately responsible for the provision of adequate quality services for the county's elderly. AAA staff are most directly responsible for the implementation of the goals and objectives of the Area Plan. The members of the Advisory Council of the AAA are expected to take a highly active role in AAA program implementation activities, especially given their role as spokespersons for the seniors of Sonoma County.

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REQUEST FOR PROPOSAL (RFP) POLICIES AND PROCEDURES

Reader's Preface

This policy and procedures statement was developed by the Sonoma County Area Agency on Aging to provide direction to the AAA staff and AAA Advisory Council in the preparation of Requests for Proposal and subsequent review of submitted proposals. The AAA staff are employees of the Sonoma County Board of Supervisors who are the Board of Directors of the AAA. The Advisory Council, made up of volunteers, as selected by its own set of By-Laws, acts as an advisory body to AAA staff and Board of Directors. The AAA Director is the chief administrative staff person responsible for seeing that these guidelines are followed. Further information on the AAA structure and programming policies can be found in the current AAA Area Plan, available by request from the AAA.

The fiscal year begins in July and ends the following June. Information on regular funding allocations from the State is usually available during the December-January period with any general RFP process taking place in the March-June period for the contract period beginning in July. Unexpected or one-time-only funding can occur any time during the fiscal year.

Request for Proposal (RFP) Policies and Procedures

1. GENERAL POLICY STATEMENT

A. Overview

1. The AAA shall conduct any procurement process in such a way as to provide maximum open and free competition.
2. Any award must go through the formal public advertising and bid process except as allowed for in points 3 and 4 below.
3. "Sole Source" contracts may be let in certain specified conditions for contracts, generally under these conditions:
 - a. Public exigency will not permit delay incident to advertising.
 - b. The service to be procured is available from only one person or firm.
 - c. No acceptable bid received after formal advertising.

Great care will be exercised to comply with all federal, state and local requirements pertinent to the particular fund title or source before proceeding on sole source contracts. (See Attachment N)

4. The formal public advertising and bid process should be used in almost all cases. The process may be simplified to reduce workload so long as the principle of open competition is maintained.
5. No contract for on-going AAA program funding for a full fiscal year will be written for under \$5000.
6. A full RFP process is not necessarily required to renew existing contracts when the contractor is performing to the AAA standards. The AAA may choose to use an RFP rather than renew because:
 - a. The AAA wishes to seek a better contractor or alternative proposals.
 - b. The AAA desires assurance that the AAA funding process is not closed to new providers.
 - c. The AAA wishes to change the program design and does not feel it can accomplish this through contract renegotiation (e.g., significantly more or less funds allocated to the program or other significant changes).
7. When issuing an RFP, it is the general intent of the AAA to do so for specified programs and specified amounts. This would be based on the on-going needs assessment and prioritization process used by staff and the Advisory Council -- which are to include solicitation of needs information and project ideas from service providers and the general public. In this manner, prioritization would precede RFP's such that potential contractors would compete to provide the specified programs.

8. Given that programs are specified for an RFP, the full Advisory Council (minus those with a conflict of interest) shall review the proposals and meet in special session to hear verbal presentations and make recommendations.
9. From time to time, the AAA may receive unanticipated additional funds with a very short period of time for expenditure of such funds. The "contingency plan" within the Area Plan that is current at a particular time attempts to allocate such funding on a prioritized basis. At times, a "shopping list" of one-time-only expenditures (e.g. for equipment for service providers) may be established. Any such list may be used or superceded by crisis or emergency needs which have arisen since the list was established; in the latter case, a revised locally approved plan may be required by CDA. In either case, such one-time-only funds may be previously earmarked in a programatic way but also are subject to the RFP policies and procedures; the sole source option may be utilized per point #3 above.

B. Specific Regulations

Decisions will be structured by federal, state, and local regulations, as well as the availability of funds and funding information. All federal and state regulations as provided the AAA by the Federal Administration on Aging or adhered to by the AAA and available for public or service provider review.

Locally the Board of Supervisors is the Area Agency on Aging. The following applies to the Board:

1. The Board of Supervisors normally expect the AAA staff and Advisory Council to request Board approval/authorization to issue RFP's. This can be in the form of an approved Area Plan that specified that RFP's will be issued or by separate resoltuion.
2. In addition, the Sonoma County Board of Supervisors has issued a policy statement with regards to transportation funding in the county. The policy of the AAA, then, is that all requests/proposals/applications for transportation funds are to be submitted to the appropriate Sonoma County Transportation Review body for possible review and comment to AAA staff, Advisory Council, and the Board of Supervisors. The use of existing county-owned vehicles for aging service providers will be handled through the RFP process or if necessary, State Department of Aging policy.
3. All AAA contracts are automatically subject to the possibility for RFP every year. The intent of the AAA is to initiate any RFP process at least four months in advance of contract expiration date. This depends on sufficient notification to the AAA of available funding.

Request for Proposal (RFP) Policies and Procedures

4. There shall be no closed Advisory Council meeting (full or committee). This includes meetings concerning the allocation of funds (per the California "Brown Act"). The Area Plan and Project Review Committee (APPR) shall review all applications for funding and present to the Advisory Council:
 - a. A complete list of all agencies which had submitted applications to the Area Agency on Aging with specific requested levels of funds, and
 - b. Information on this list regarding which applicants had met the requirements of the RFP.
5. Unless funds are specifically earmarked by CDA so that no RFP is needed, the APPR Committee shall also recommend to the full Advisory Council which applications should be funded. Such a recommendation shall include all recommended applicants by program area matching the amount of funding being made available in the RFP.
6. The full Advisory Council will review all recommendations from the APPR Committee, and then accept, modify, or reject those recommendations. All Advisory Council meetings (including committee meetings i.e., APPR) in which there is an RFP will include at least the following elements:
 - a. A review of Conflict of Interest procedures as follows:
 - 1) The Advisory Council Chairperson will ask the Advisory Council members if they have any conflict of interest regarding any applications submitted. If a conflict of interest is stated, then the member shall abstain both from discussion and voting on the project being considered.
 - 2) When there is a question as to the existence of a conflict of interest, the Advisory Council Chairperson shall make a ruling whether or not a potential conflict does exist.
 - 3) After all challenges raised by the Advisory Council have been resolved, the applicants and general public may raise challenges regarding Advisory Council members' potential conflict of interest. Whether a conflict of interest exists as stated in the challenge will be determined by the Advisory Council Chairperson.
 - 4) When members of the Advisory Council or Area Plan and Project Review Committee are declared in conflict of interest, the remaining members shall constitute a quorum for the purpose of voting.
 - 5) At both committee and Advisory Council meetings, the Chairperson of the Advisory Council who is an ex-officio member of the committee or Council shall cast votes.
 - b. Each applicant agency shall be permitted to give an oral statement to the Advisory Council.
 - c. AAA staff shall present an analysis of the proposal, including any tentative conclusions and findings.

Request for Proposal (RFP) Policies and Procedures

- d. The Advisory Council shall be given an opportunity to question the applicants and staff.
 - e. Members of the general public other than the applicants shall have at this point in the meeting an opportunity to present testimony.
 - f. Public portion of the hearing shall end.
 - g. The Advisory Council shall make a decision regarding the APPR Committee recommendations.
7. Appeals of Advisory Council recommendations will be handled according to the process outlined in the Contract Administrative Process, Fair Hearing (Appeal) Process.

1. STEPS IN RFP PROCESS

- A. Needs Assessment and Prioritization for the sake of defining programs to be funded.
- B. Board of Supervisors authorization of:
 1. The RFP process, including time lines.
 2. The Area Plan, which details program areas to be funded.
 3. Specific permission to initiate an RFP.
- C. The Area Plan and Project Review Committee shall monitor the RFP process.
 1. Establish time tables.
 2. Review final RFP materials.
 3. Qualify proposals for consideration.
 4. The Area Plan and Project Review Committee shall review the conflict of interest procedures and must comply with the provisions.
- D. Develop the RFP Package.
- E. Develop an assessment tool for evaluating proposals, based on criteria to be used.
- F. Develop RFP List and other public notice mechanism (newspaper).
- G. Determine who on the staff will give technical assistance. Train them on the particular RFP - particularly the program intent and technical aspects of proposal preparation. Publicize their availability in general and at a "Bidder's Conference" which is to be held for the purpose of answering questions from potential applicants.
- H. Set time for Bidder's Conference at least one week after public notice. Minutes will be taken.
- I. The RFP shall be released with ample response time.

Request for Proposal (RFP) Policies and Procedures

- J. Notice of RFP to be mailed to RFP List. To include contact person, date of Bidder's Conference, method of obtaining RFP, and due date.
- K. The AAA shall post receipt of proposals in an orderly and official manner.

A copy of all proposals will be provided to all Advisory Council members within one week of final receipt date and at least one week prior to any proposal review meetings. Potential conflict of interest will be determined per Advisory Council Policies and Procedures.

- L. The Advisory Council and AAA staff review proposals and arrive at recommendations for the Board of Supervisors. In all cases, the staff and Advisory Council are to provide an opportunity for applicants to make a verbal presentation and to answer questions. An applicant agency will have at least seven (7) minutes to review the content of a proposal and respond to questions. In those program areas in which there is competition for funding, competitive applicant agencies may be visited by at least two members of the Area Plan and Project Review Committee. During such visits there will be a review of administrative costs and management practices of these agencies.
- M. Notice of proposed awards sent to successful and unsuccessful bidders. This notice should also include information on the appeals process to be used.
- N. Appeals process utilized if there is an appeal. All Advisory Council members without a conflict of interest, together with AAA staff, shall consider the appeals.
- O. Submission of final recommendations for awards to the Board of Supervisors, who may also hear comments from service providers and consumers.

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ALLOCATION PROCESS AND PROCEDURES

The Area Agency on Aging (AAA) for Planning Service Area (PSA) #27 receives grant monies that are from federal and state sources. Federal and state funds for social and nutrition programs generate from the Older Americans Act of 1965, as amended. In addition, monies are also received from the U.S. Department of Agriculture and from the state general fund. Most monies come from the Federal Administration on Aging to the California Department of Aging and then finally to the local Area Agency on Aging. (See Flow Chart - Attachment M)

The Older Americans Act funds include Title III B (Social Services), III C1 (Congregate Meals), and III C2 (Home Delivered Meals).

The California Department of Aging allocates base level funding to each AAA on a state-wide formula that takes into account a number of factors, including the number of older persons in the area, the number of low income older persons, and the number of counties in the PSA.

The California Department of Aging notifies the AAA's several months in advance what the amount of funding will be for the following fiscal year. The AAA then receives the funds, usually 1-2 months before contract time, usually 1-2 months before the start of the contract. The AAA receives one-time only funding from the state for the AAA, preferably not on a contract basis. These monies are not part of the AAA's regular operating budget.

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who will review research
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The current practice of the California Department of Aging is to notify the AAA's of additional available funding from the state Planning Estimates. The AAA then submits an application for the amount of funds stated in the Revised Planning Estimate.

Allocation Process and Procedures

CDA then sends to the AAA a revised Notification of Grant award for the amount of funds applied for in the AAA's proposed revised budget. As soon as this written notification is received from CDA, the AAA begins the process of in turn allocating these additional funds to its sub-contractors according to its stated priorities.

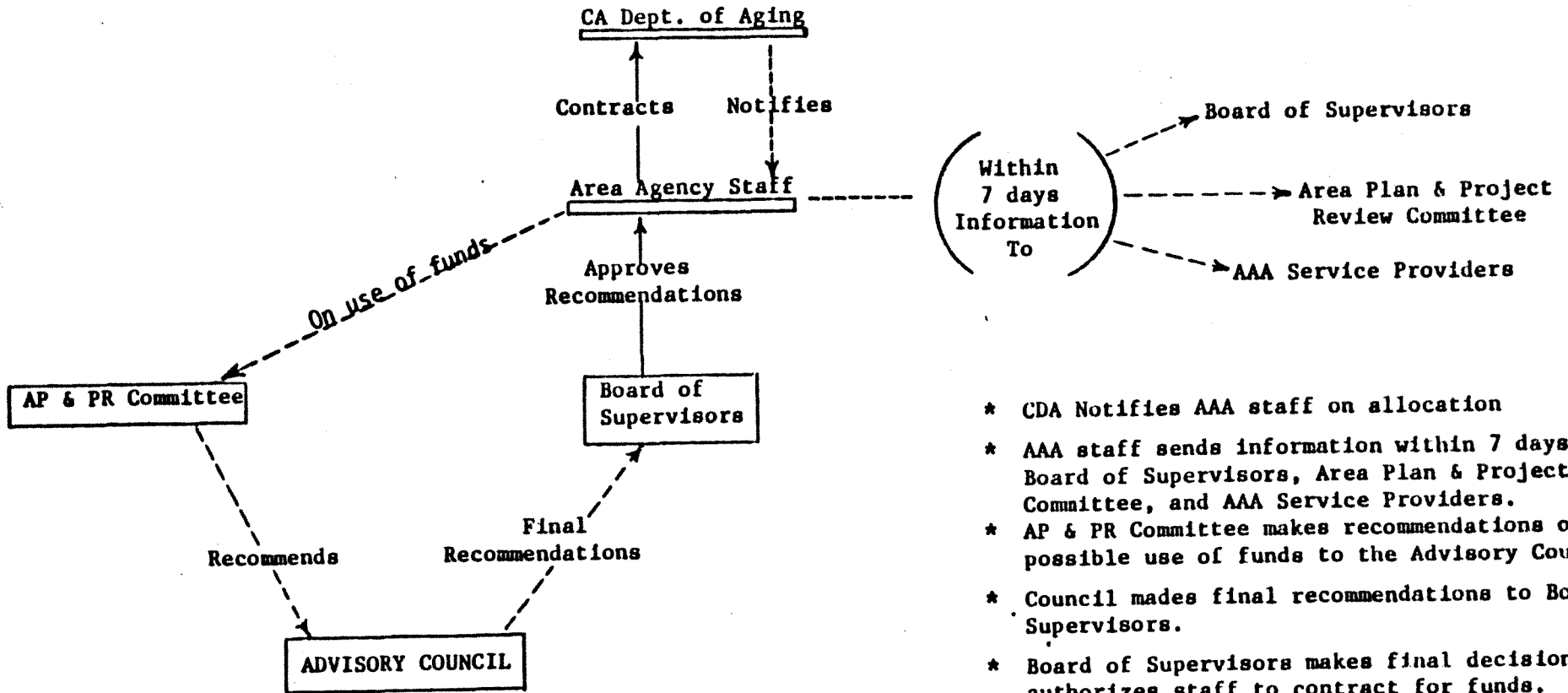
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The AAA's process for determining its priorities is part of the Plan Development process. Integral in development of the Area Plan and the AAA's funding priorities is the work of the Area Plan and Project Review Committee. When additional funds are made available, AAA staff notifies the Area Plan Committee, which then convenes to discuss funding amounts in relation to Area Plan objectives and contingencies for the use of additional money. Recommendations of the Area Plan Committee are submitted to the full Advisory Council for their approval.

Planned use of the additional funds, including dollar amounts and the period of time during which the funds must be utilized, namely the contract year, are then made public and service providers notified of same. Funds will then either be directly allocated for specific services or an RFP process would be initiated.

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SONOMA COUNTY AREA AGENCY ON AGING

ALLOCATIONS
FLOW CHART



- * CDA Notifies AAA staff on allocation
- * AAA staff sends information within 7 days to: Board of Supervisors, Area Plan & Project Review Committee, and AAA Service Providers.
- * AP & PR Committee makes recommendations on possible use of funds to the Advisory Council.
- * Council makes final recommendations to Board of Supervisors.
- * Board of Supervisors makes final decisions and authorizes staff to contract for funds.

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CONTRACT PROGRAM MONITORING

DEFINITIONS

For the purpose of this manual, monitoring shall be defined as:

Monitoring

A continuous process of evaluating contractor performance, practices, procedures, and reports for compliance with contract terms and objectives, for quality of program content, and for tracking client participation, financial, and utilization trends.

The AAA will use this term to indicate the process of collecting information and data on services: as such, monitoring activities provide basic information for later analysis and decision making which come under the labels of "assessment" or "evaluation."

The three general categories of program monitoring activities in which the AAA is engaged are:

Program Monitoring

The AAA shall monitor contractors for compliance with the operational aspects of the contracts, including levels and appropriateness of service, code and permit compliances, health code compliance, adherence to programmatic regulations of the California Department of Aging, employee development and training, client satisfaction, program publicity, and related matters

Financial Monitoring

The AAA shall monitor contractor compliance with contract terms regarding budgetary, revenue, and expenditure matters, including cash handling, expenditure control and documentation, performance in relation to reporting requirements, and timely submission of reports and invoices. (Details of these monitoring requirements are contained in the contract management section of this Policy and Procedures Manual.)

Technical Assistance

The AAA has an obligation to, and an interest in, providing contractors with technical assistance toward the improvement of services to the senior community, increased efficiency, and compliance with

Contract Program Monitoring

contract terms. This function is performed by all AAA staff upon request or identification of need.

II. MONITORING ACTIVITIES

A. Routine Project Operations Reports

Previous sections of the AAA Manual specify the forms required for submission by subcontractors. In most cases, these forms are exactly those formally required by CDA or Sonoma County. From time to time, the AAA itself, will be amending and improving upon the "program operations" reports for the sake of better assessments and evaluations. Primarily, inadequacies exist in uniform definition of activities and the counting of units of service, as well as the proper design of forms to allow for complete and unambiguous reporting. All such reports are to be routinely submitted to AAA fiscal staff who will monitor receipt of reports and maintain the "contract files." Further, fiscal information will be checked for accuracy of calculations, appropriateness within the contracted budget and completeness of back-up documentation on expenses. Such fiscal inventorying can result in immediate sanction activities in the form of withholding of funds or limiting authority to obligate or expend funds or complete termination. The conditions and procedures for such sanction activities are explained in detail in the AAA Sanction Policy.

The AAA will record on a monthly basis the units of service 1) contracted for and 2) delivered each month. This will act as an on-going visual check of progress with subcontractor comment expected on any significant short-fall or changes from one month to the next. The AAA staff (primarily the AAA planner and director) will periodically check this cumulative data for any dramatic changes which may trigger earlier AAA/subcontractor conferences than previously scheduled.

(A copy of the "Monthly Program Monitoring Report" is included as Attachment D to this section.)

B. Informal AAA Contracts with Project Operations

Formal assessments will involve scheduled site visits. In addition, however, AAA staff and Advisory Council members will from time to time, for varying reasons, and either on a scheduled or unscheduled basis, have informal contact with project operations. Aside from providing familiarity with project operations for staff and Advisory Council members, significant concerns that arise from such contact will be referred to AAA staff for follow-up investigation and technical assistance to the project.

AAA Advisory Council members are encouraged to have as much informal contact with project operations as possible depending on the appropriateness in each project's case. The nutrition project services, e.g., are highly accessible to Advisory Council members, whereas a legal services project is not as accessible to those not legitimately in need of the services. A transportation project may actually be

Contract Program Monitoring

used by an Advisory Council member on a regular, daily basis. In any case, there will be a range of informal and/or user contracts that occur with respect to different projects.

Oftentimes, Advisory Council members may find themselves in a dual role - as both a client or user of a certain service and as an advisor to AAA staff and the Board of Supervisors. In such a dual role the Advisory Council member cannot attempt to resolve problems regarding the effectiveness of the service. As simply a participant in the service, the Advisory Council member is free to interact with project staff as would any user of the service. It should be clearly stated to all concerned, however, that such interaction does not represent a particular AAA or Advisory Council point of view. Matters of project operation or policy beyond the individual Advisory Council member's personal experience as a user of the service must be referred to AAA staff or the Advisory Council as a whole.

Advisory Council members will not be formally representing the AAA in discussing general matters of operations which must be reviewed by the Advisory Council as a whole, AAA staff and/or Board of Supervisors. In these cases, the AAA staff will act as the formal liaison with the projects.

Complaints and Rumors

1. Specific Problems of Consumers -- Not Handicapped-Related

AAA staff will record in writing all complaints received from consumers and respond in writing. A copy of all such correspondence shall become a part of the contract file of any AAA-funded project. Such correspondence will then be available at the time of formal assessments.

- The Advisory Council plays a very important role in being receiver of complaints and "rumors" about both AAA and non-AAA funded programs. It is essential that Advisory Council members pass on such information to the AAA staff for investigation and report back to that member and/or the full Advisory Council. The general outline of procedures is as follows:

- a. Recording of as many details as possible at the time of hearing a complaint or rumor, as well as encouraging the consumer to contact project Staff and project Advisory Council. Optimally, most solutions would be best handled by the project itself.
- b. Passing the information to the AAA Director, fiscal officer, planner and secretary in that order for their information.
- c. In cases where the Advisory Council member feels that the AAA should play a role, allow the AAA staff at least three working days to report back their findings and recommendation for further action either verbally or in written

Assessment
Procedures

Contract Program Monitoring

form. A report on any such complaint (valid or not) involving an AAA subcontractor is to be placed in contract file.

- d. If not satisfied with AAA staff action on the matter, the Advisory Council member should bring the information to the attention of the Chair, Vice-Chair or Secretary of the Advisory Council, in that order. The matter will then be referred to the appropriate committee for further action. An officer of the Advisory Council will be responsible for bringing up the matter of AAA staff responsiveness at the next Executive Committee meeting.

It needs to be emphasized that in most cases it will be of greater service to seniors for an Advisory Council member to communicate a specific concern, complaint or rumor to the AAA staff rather than do nothing or to communicate it to other Advisory Council members, family and friends. The point is that misinformation as well as valid complaints not addressed can be very harmful to the effectiveness of senior programs. It is best for the Advisory Council to utilize AAA staff to follow up on such matters within a reasonable amount of time.

2. Specific Problems of Consumers - Handicapped Related

It is the policy of Sonoma County Area Agency on Aging not to discriminate on the basis of handicap. The Area Agency on Aging has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or the U.S. Department of Health and Human Services' regulations implementing the act. Section 504 states, in part, that "no otherwise-qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The law and regulations may be examined in the office of Eddy Laine, Director, AAA, who has been designated to coordinate the efforts of Area Agency on Aging to comply with Section 504.

- a. Any person who believes she or he has been subjected to discrimination on the basis of handicap, in contradiction of the policy stated above, may file a grievance under this procedure. It is against the law for Area Agency on Aging to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
- b. Grievances must be submitted to the Section 504 Coordinator within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

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Contract Program Monitoring

- c. A complaint must be in writing, containing the name and address of the person filing it ("the grievant"). The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought by the grievant.
- d. The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint to determine its validity. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Area Agency on Aging relating to such grievances.
- e. The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- f. The grievant may appeal the decision of the Section 504 Coordinator by filing an appeal in writing to Mr. Tom Schopflin, Sonoma County Administrator, within 15 days of receiving the Section 504 Coordinator's decision.
- g. Mr. Tom Schopflin, Sonoma County Administrator, shall issue a written decision in response to the appeal no later than 30 days after its filing.
- h. The availability and use of this grievance procedure do not preclude a person from filing a complaint of discrimination on the basis of handicap with the HHS OFFICE FOR CIVIL RIGHTS, 1275 Market Street, 14th Floor, San Francisco, California 94103; telephone (415) 556-8586.
- i. Area Agency on Aging will make appropriate arrangements to assure that disabled persons can participate in or make use of this grievance process on the same basis as the non-disabled. Such arrangements may include, but are not limited to, the provision of interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for providing such arrangements.

D. Program Information and Education

The Advisory Council has established a procedure by which directors of programs (both AAA and non-AAA funded) will be invited to make presentations at the regular Advisory Council meeting. These presentations provide an opportunity for on-going education for both the Advisory Council and AAA staff. The emphasis at meetings outside Santa Rosa will be on some program or an aspect of some program that has special significance for the geographical area where the meeting is held. From time to time, the Advisory Council may call special meetings for the purpose of intensifying this process by

scheduling several programs at one time. AAA staff together with the Executive Committee will be responsible for facilitating the scheduling and logistics for such program presentations.

Advisory Council committees covering specific program area (e.g., nutrition) will also be meeting with project staff at times to discuss and review project operations - most often in the spirit of planning for better or increased services in the future. Such meetings will be in addition to any formal contract assessments.

The AAA Program Descriptions are summary documents prepared by AAA staff on both AAA and non-AAA funded programs. These documents are reviewed by both Advisory Council committees and service providers and are available for anyone to review for background material on project operations.

E. Consumer Surveys

Statistically reliable consumer surveys can be an important ingredient of any system of monitoring, assessment and evaluation. At this time, there is no established policy or program for surveys on the part of the AAA. However, the AAA staff will be exploring with project staff the possibilities in this area. Such surveys can encompass users as well as un-users, information on needs and awareness of services as well as satisfaction with services used.

F. Surveys of Professionals in the Field

Likewise, the AAA has as yet not established any program for periodically surveying professional staff persons concerning senior services in Sonoma County. The purpose of such a survey could be to ascertain

- a) opinions on unmet needs
- b) suggestions for desirable coordination
- c) opinions on effectiveness of particular projects

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SONOMA COUNTY AREA AGENCY ON AGING

2230 PROFESSIONAL DRIVE SUITE 102 SANTA ROSA, CALIFORNIA 95401
PHONE: (707) 527-3138

ASSESSMENT PROCEDURES

I. DEFINITIONS

For the purposes of this manual, assessment shall be defined as:

A process of evaluating contract performance prepared by a team analyzing formal and informal monitoring reports, invoice reviews, contractor reports, and previous assessment reports.

Assessments may concentrate upon a specific aspect, in which case they are called focused assessments, or may be general in nature addressing overall contract performance. Initiation of the assessment process rests with the AAA Director. Some of the elements of an assessment are determination of:

- effectiveness in meeting goals
- responsiveness of contractor to previous assessments
- regulatory compliance
- degree of contract compliance
- Agency problems for purposes of technical assistance
- exemplary performance on the part of a contractor.

Assessments are the result of a formal review of all the relevant facts known to the AAA about a contractor's performance at any one time. Assessments most often do not compare one program or contractor within the framework of the contract goals and regulations set for that particular program; its emphasis is the analysis of progress and compliance within a contract. As such, AAA assessments, in the formal sense, can only apply to AAA funded projects.

II. ASSESSMENT PROCESS

A. Assessment Preparation

1. Use of Monitoring Reports

It is intended that assessments can be accomplished by a

Assessment Procedures

combination of contract file review and a mandatory visit with the project, with particular emphasis on the content of the monitoring reports and previous assessments.

2. Site Visits

While the monitoring process provides a certain kind of review of site operations, the assessment team must visit the contractor's operation as part of the assessment process. In addition to the regularly scheduled assessment, special assessments might be required in the following situations:

- a. Monitoring reports indicate a continuing/recurring problem or deficiency;
- b. The assessment teams consider the monitoring reports to be inadequate or incomplete to perform the assessment; or
- c. The contractor requests such a visit by the assessment team.

Contact with project operations by the assessment team may or may not be scheduled in advance with the contractor's Director. Any formal conference, however, would require an appointment. At the discretion of the contractor's Director, up to two members of the advisory group of the project being assessed may be present during the assessment.

At the end of each such formal visit, the assessment team will conduct an exit interview with the project director or his/her designee to discuss the team's observations.

3. General Agency Requirements Questionnaire

- a. As part of the overall assessment process, the questionnaire is an important tool. The questionnaire provides detailed questions which allow the assessment team to uncover any problem areas in the operations and procedures of the assessed program. The Questionnaire also provides a method of standardizing the assessment team's inquiry into project operations, so that the information requested from project to project does not vary significantly. (See Attachment P)

Assessment Procedures

B. Prior Assessments

Records of prior assessments shall be on file at the AAA and accessible for review by other service providers and the public.

Before proceeding with contract agency assessments, the AAA shall insure that the subcontractor's response to the latest prior assessment is available to the assessment team. The AAA will further insure that all information related to past corrective measures taken on the basis of assessments (including outstanding contractual issues) is made available to the assessment team.

C. Assessment Team Formation

Upon development and approval of the assessment schedule, the AAA shall form an assessment team as follows:

1. Either the AAA Director or Planner shall be a member of all program assessment teams.
2. The AAA Advisory Council shall be represented on each of the program assessment teams. Advisory Council designees would preferably be members of the committee whose charge is to a given program area, i.e., the Nutrition Committee, Transportation Committee, Housing Committee, or Health and Welfare Committee.

Advisory Council members on assessment teams shall have no conflict of interest with regard to the assessment service providers. Advisory Council members providing or receiving a service may not participate in the assessment of that service.

Other Members

As deemed appropriate, assessment team membership may include the AAA Accountant, Account/Clerk, Nutrition Consultant of the AAA, or other specialist whose judgment would provide important input in a given program area.

D. Assessment Planning

1. In planning for an assessment the AAA understands that the results of an assessment are to deal only with the program being assessed. As such, an assessment in no sense shall evaluate the individual personnel of a program.

Assessment Procedures

2. AAA Staff Role

AAA staff are responsible for setting the assessment schedule with the service provider, securing all data required of the subcontractor, interviewing the project director and relevant staff and preparing the report of the assessment outlined below. Upon completion of the assessment schedule, letters of transmittal will be sent to all subcontractors, notifying them of same.

At the time of each assessment AAA staff shall review all CDA assessment-related policy newly developed since the time of the prior assessment. If necessary, the AAA shall further incorporate such new policy into the assessment procedure.

3. AAA Advisory Council Role

The roles of the Advisory Council member(s), depending on the particular service being assessed, include: (1) to become informed of the activities of the projects funded by the Area Agency on Aging, (2) to ask the project advisory council members questions related to the roles and responsibilities of that project's advisory council, (3) to review the results of surveys from the users of the project's services, and/or (4) to obtain information about the operation of a project by acting as a potential user of the project's services and filling out a separate "potential" consumer survey based upon contact with that project.

All survey work would be done with the cooperation of the contract agency staff. This would include reviewing the survey form itself, the purpose of the survey activity, and in some cases sending a joint letter to project clients. The project would be expected to send surveys to the clients with an Area Agency on Aging envelope included. The clients of the sub-grantee agencies would not be expected to sign the surveys in the interest of confidentiality. All survey work would be completed at least one week prior to the other assessment activity.

Advisory Council members during assessment activity should handle rumors or complaints in accordance with rumors and

and complaints provisions outlined in Contract Program Monitoring II-B. The report of the Advisory Council member regarding their participation shall be written and included in the overall Assessment Report detailed below.

E. Assessment Reports

1. Exit Review

The AAA Director shall assure that upon request of the contract agency and/or the assessment team, there is an opportunity for the assessment team and the contract agency to meet and review the preliminary findings of the assessment report in draft form, and that meritorious suggestions by the contract agency for the alteration of the report are incorporated into the final report.

Included in the assessment report shall be recommendations made by the AAA to the contract agency, including suggested dates for completion of the corrective action.

2. Final Report Distribution

AAA Director has the responsibility to prepare and process the final report.

F. Assessment Report Processing

1. Time Schedule

A report by the AAA staff shall be delivered to the contractor agency within 30 days of the completion of the assessment. The assessment report shall indicate any follow-up the contract agency took with regard to prior recommendations. The contract agency's director shall be afforded the opportunity to respond to the report for a period of 30 days following distribution. The assessment team may modify this report if the contract agency's director response warrants change.

2. Confidentiality

The findings of the assessment team shall be kept in strict confidence until such time as the assessment report is presented to the contract agencies being assessed.

Assessment Procedures

3. Final Report Signatures

The assessment report shall then be typed in final form and signed by the assessment team members. The signature of the contract agency may be sought at the discretion of the team, with the alternative of transmitting a copy of the report to the contract agency by certified mail being acceptable with return receipt requested.

4. Distribution of Assessment Reports

a. General Distribution

The completed assessment report shall be distributed by the AAA as follows:

- (1) Original: In contract agency file;
- (2) A copy shall be prepared for the signature of the AAA Director and other members of the assessment team to transmit to the contract agency.
- (3) A copy shall be sent to the Sonoma County Administrator's office.
- (4) A copy shall be sent to the Sonoma County Board of Supervisors.

b. AAA Advisory Council

The AAA Advisory Council shall be informed of the completion of an assessment, and the general findings thereof, by the inclusion by the AAA Director of a brief report in the monthly administrative report to the Council.

III. CONTRACTOR APPEAL

If the contract agency disagrees with the findings and recommendations of an assessment report, the contract agency may appeal as follows:

A. AAA Advisory Council

The contract agency may file with the Council a formal written appeal containing the following information:

1. Assessment findings/recommendations appealed;
2. Reasons for appeal; and
3. Suggested alternative assessment report wording.

When such an appeal is filed, the AAA Director shall have the responsibility for coordinating the appeal with the Council and making certain that the Council has the assessment report in question as well as the appeal. If the appeal involves a legal matter, such as an interpretation of contract language, the Director shall secure necessary advice of County Counsel.

The AAA Advisory Council shall hear the appeal at its next regular meeting, and shall, after hearing the data presented by staff and the contract agency, render a recommendation on the matter.

B. Board of Supervisors

Further appeal over assessment findings may be made to the Board of Directors of the AAA, which is the County Board of Supervisors.