

Tripartite Board: Roles & Responsibilities

CSBG Webinar: January 29, 2018

Housekeeping

- Updated Website: <https://jobs.utah.gov/housing/scso/index.html>
- Reminder—Public CAP series from National Partnership—KQ sent email 1/16/19
- Reminder—2019 Poverty Guidelines published—KQ sent 1/17/19
- WIOA—Do we need to hold a brief training on what this is.....? (Partnership with DWS—One Stop/American Job Centers)
- **Annual Report update**
 - Expect Release Modules 2 and 4 Smartforms **Feb 1**
 - **Anticipated due date for Modules 2, 3, 4 & the 3 success stories: Feb 15**
 - NASCSP Webinar: Modules 2-4 SmartForms—canceled—no news on rescheduling yet
 - May have some character issues with cut/paste into SmartForms—be on the lookout
 - Submit only one (1) Module 3 for FY18
 - See email summary of annual report updates sent by KQ on Jan 11

Each agency will submit 3 narratives with their modules 2, 3, 4: (You are welcome to send them now) 😊

Success story prompts:

1. "(E)xamples of ways in which CSBG Eligible Entities addressed a cause or condition of poverty in the community using an innovative approach." (Including how, specifically, CSBG funds were used to support implementation).

Housekeeping

2. Specific Management accomplishments by the Eligible Entities--"how responsible, informed leadership and effective, efficient processes led to high-quality, accessible, and well-managed services and strategies."

3. Continuous Improvement: provide "examples of changes made by CSBG Eligible Entities to improve services delivery and enhance impact for individuals , families, and communities with low-incomes based on their in-depth analysis of performance data."



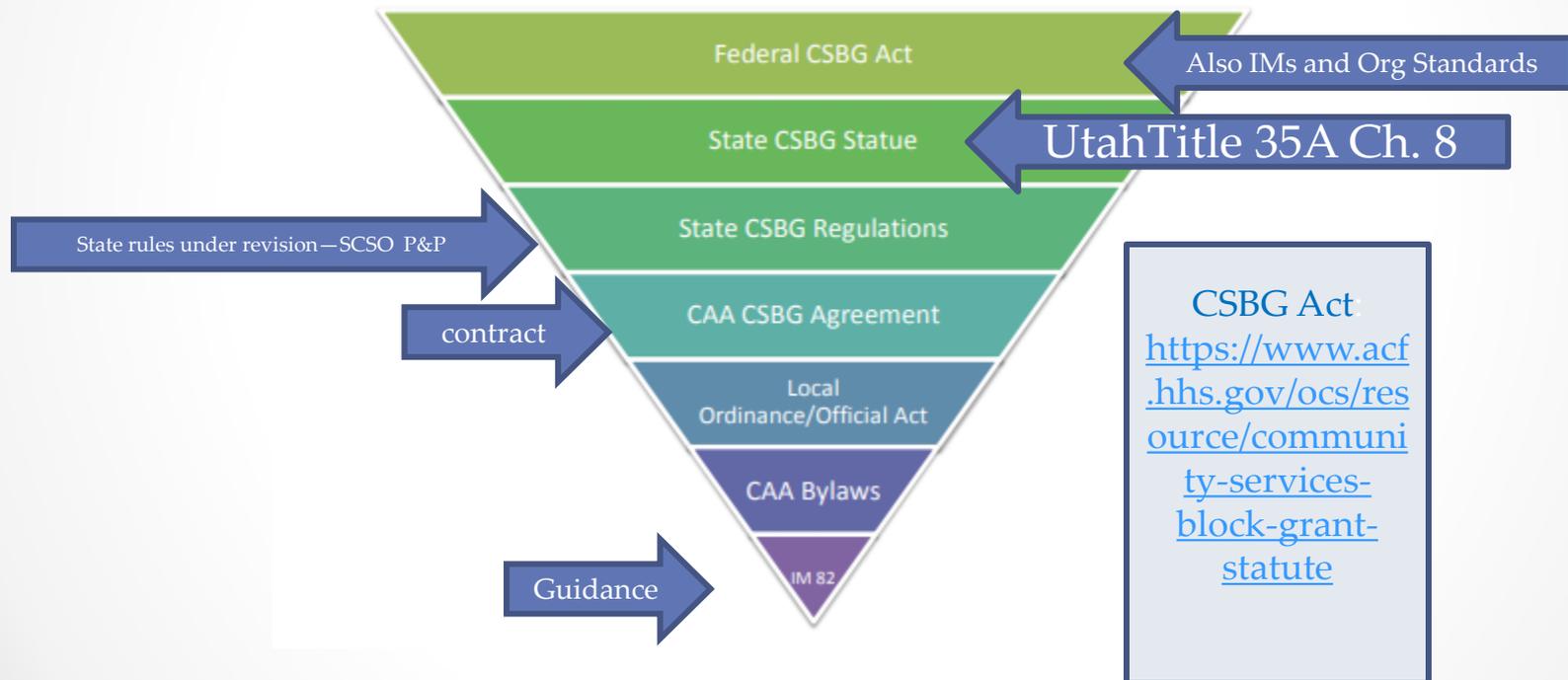
Tripartite Boards

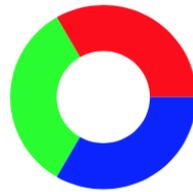
- Section 676B of the Community Services Block Grant Reauthorization Act of 1998 requires that, as a condition of designation, **private** nonprofit entities **and public** organizations administer their CSBG program through **tripartite boards** that *“fully participate in the development, planning, implementation, and evaluation of the program to serve low-income communities.”* This board mandate imposes a **critical oversight role** on these individuals and places legal and ethical obligations on their efforts.
 - **Board minutes—key documentation to demonstrate compliance**

Orient Board to applicable statutes and regulations

From CAPLAW:

Explanation of Above Laws and Guidance in Order of Precedence





Tripartite Board: Training & Composition

- Training board members on their duties at least every 2 years—required by **OS 5.8** (private & Public CAAs)
- Note: Bylaws may allow for a range in number of members.
 - Must **conform with ratios** required by CSBG Act:
 - **At least 1/3** of board: **democratically selected low-income** representatives who reside in the geographic area served
 - **1/3 Elected Officials** or their designees
 - Remaining membership for major groups or interests in the community (private sector)
 - Members are selected by the entity—
demonstrated through voting new members
to the board

Vacancies affect the ratio and can put an agency out of compliance with the CSBG Act. Fill vacancies asap –best to do by next board meeting.

Role: Fiduciary Responsibility

- Fiduciary—acting in the best interest of the agency/corporation

Fiduciary Duty:

- Put interests of agency ahead of personal interests
- Decisions based on whatever is best for the agency
- **Binding** for private boards/public board members have **ethical obligation** to adhere to spirit of being a fiduciary



Fiduciary Duty

- 3 Duties contained within Fiduciary Duty:
 1. **Duty of Care**: board member required to act as an ordinarily prudent person would act in a like position under similar circumstances...*if confused, ask questions*
 2. **Duty of Loyalty**: board member required to be loyal to the organization and act in the organization's best interest at all times.....*must avoid conflict of interest (OS 5.6) Board members do not serve to advance their own interests.*
 3. **Duty of Obedience**: board member obeys the law, organizational bylaws/articles of incorporation, and board decisions.

The Board Member will actively engage in and support the work and best interest of the agency through effective exercise of his/her role as a board member.

For both private and public CAPs: the tripartite board provides a key role—fiscal and programmatic oversight



Role: Oversight & Leadership



- How can board members effectively perform their duties: ***They need good information—and depend on agency staff for that***

Oversight of programs: (required by CSBG Act—676B)

Develop—opportunity to share their ideas/observations/input—based on data shared with board: ***needs assessment; customer satisfaction surveys, forums; etc.***

Plan—implementation of current and new programming--***annual planning/long range strategic planning***—adjustments to CAP/Strategic Plan/Programming—***based on evidence*** presented



Role: Oversight & Leadership



Implement—oversight of implementation and performance via reporting to the board

Evaluate---evaluation of program effectiveness possible when board has needed data—**accurate and regular performance reporting is key--ROMA**

OS 5.9: Program reports at every board meeting—compare performance to contract requirements/ benchmarks/targets/CAP/Strategic Plan.

Inform your board so they are empowered to ask questions.



Oversight

Oversight of financials:

OS 8.7 *Financial reports* shared with board at
every board meeting (public & private)

--May have a financial committee that meets monthly and reports to the board
o **understand financial position—monthly review of budgeted to actual is standard**

Questions:

- what is health of agency's/departments sources of funding—diversify resources
- what is the role of board member to connect agency/department with resources....?
- what is the health of agency's grant management?
 - if funding has changed—ask why
 - if loss of grant—understand why
 - if gain of new grant—understand requirements
 - if sub-awarding—is board aware of contract performance and outcomes of sub-award?

Oversight

In practicing good oversight:
understand financial position—



- are financial reports clear?
- do members understand the agency's position with regard to all of its funding sources?
- has the board been made aware of challenges/findings/audits

A committee of the board should compare budgeted to actual expenditures on a monthly basis—and report to full board as part of the financial report

--what is health of agency's/departments sources of funding—is diversification needed?

Board's leadership role and fiduciary responsibility—seek funding that suits long term health of organization

--what is the role of board member to connect agency/department with resources....?

--what is the health of agency's grant management?

---if funding has changed—ask why

---if loss of grant—understand why

--if gain of new grant—understand requirements

Leadership

The Engaged Board

- Engaged board members will:
 - *Know the agency's/ department's mission, strategic plan, and community action plan--and embrace work to revisit and refine each—as data/performance reports presented*
 - *Look for consumer input—via customer satisfaction survey results, forums, etc.---to gage impact and effectiveness of programs in meeting need*
 - *Review program performance and performance measurements—on track to meet contract requirements?...goals identified in the Community Action Plan?...Goals identified in the Strategic Plan?*



The Engaged Board

- Know and uphold the agency's/department's bylaws:
 - Is the board meeting according to required schedule?
 - Is there quorum at most/all meetings?
 - Are board members receiving training and appropriate updates?
 - Is the agency compliant with the CSBG Act and with the Organizational Standards?—How is this made clear to the board?
- Review and develop policy
- Assure proper fiscal controls are in place
- Engaged board members will ask questions.....



The Engaged Board

At minimum (per CAPLAW and IM82)

1. Regular attendance at board and committee meetings;
2. Thorough familiarity with core agency information, such as the agency's bylaws, articles of incorporation, sources of funding, agency goals and programs, Federal and State CSBG statutes;
3. Careful review of materials provided to board members;
4. Decision-making based on sufficient information;
5. Ensuring that proper fiscal systems and controls, as well as a legal compliance system, are in place; and
6. Knowledge of all major actions taken by the agency.
7. Training in CSBG and ROMA
8. Understanding of community need, agency mission, and programs' connection to mission.

Public Sector Buy-In

- An engaged public sector board member is worth their weight in gold!
- CAPLAW has specific guidelines for working with and engaging with public sector board members (Should CAP Utah Board consider public elected board members as well?)
- https://caplaw.org/resources/faqs/Governance/CAPLAW_FAQ_WorkingwithElectedPublicOfficialsRep_Sept2018.pdf

Consumer-Participation

- Additional support and training for low-income representatives may be needed.
- May be intimidating to speak up when seated with local elected officials, businessman, or community leaders.
- Use Governance Module in CAP60 or other related tools to monitor attendance.
- What can attendance patterns show you?



Governance Module

- Reach out to State Association for help with the CAP 60 Governance module.
- The key word search can help with organizing minutes

Getting Information to the Board

Public and Private Tripartite Board “are encouraged to focus their attention on results in all phases of agency program activity, including program development, planning, implementation, and especially evaluation.” (IM 82)

Keep your board informed so they can be the best resource for your agency/department

Every board meeting:

--program reports (OS 5.9)

--financial report (OS 8.7)

Highlights and success stories---board members build your brand in the community



Getting Information to the Board

Annual updates—goals, strategies, and outcomes:

CAP (OS 4.4)

Strategic Plan (OS 6.5)

Audit (OS 8.3)

Tax—990 (private only—OS 8.6)

Budget (OS 8.9---agency-wide for private/ input for CSBG
as allowed—public)

Risk Assessment OS 4.6—private/ public boards should be informed

Review of bylaws and policies—private—include attorney review

Contract performance—outcomes—midyear/final

Contract draw down

Monitoring reports

ROMA training—which underscores the cycle of continuous improvement as expected approach

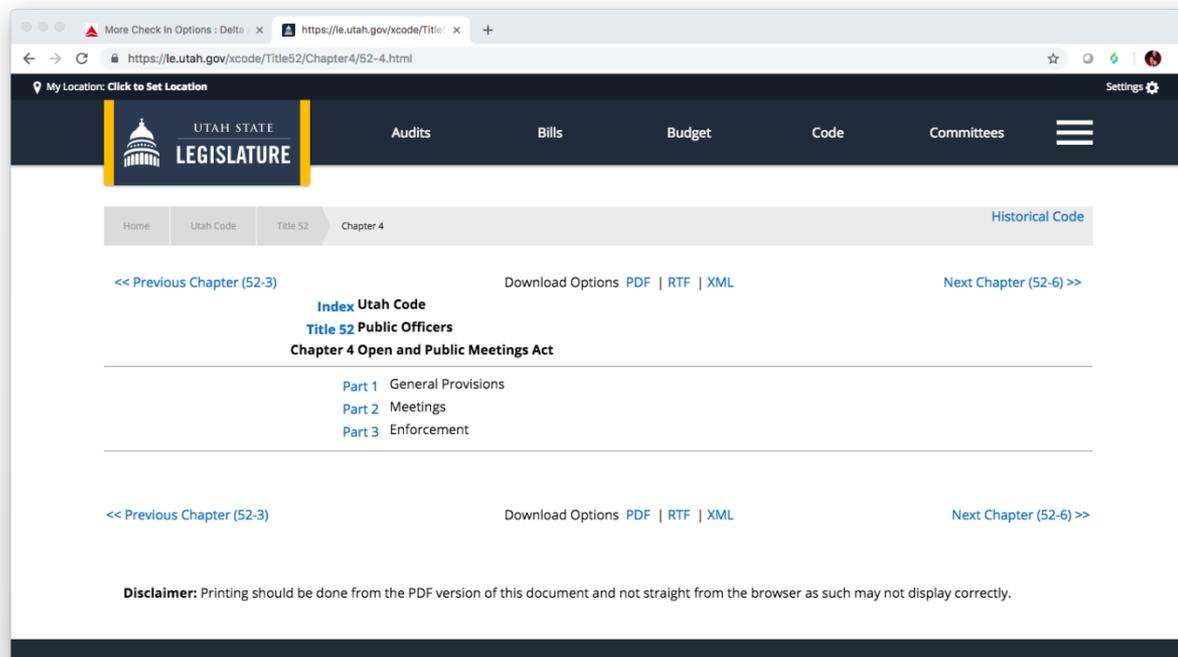
Board member orientation process-and bi-annual training on duties (OS 5.7 & 5.8)



Open Meetings Laws

- Public CAPs must absolutely follow Utah Open Meeting Law (Including Public Meeting Notice).

<https://le.utah.gov/xcode/Title52/Chapter4/52-4.html>



The screenshot displays the Utah State Legislature website. The header includes the Utah State Legislature logo and navigation links for Audits, Bills, Budget, Code, and Committees. The main content area shows the breadcrumb trail: Home > Utah Code > Title 52 > Chapter 4. The title of the page is "Chapter 4 Open and Public Meetings Act". Below the title, there are three parts listed: Part 1 General Provisions, Part 2 Meetings, and Part 3 Enforcement. The page also includes navigation links for "Previous Chapter (52-3)" and "Next Chapter (52-6)", as well as "Download Options PDF | RTF | XML". A disclaimer at the bottom states: "Disclaimer: Printing should be done from the PDF version of this document and not straight from the browser as such may not display correctly."

Resources

- The Community Services Block Grant Reauthorization Act of 1998:
 - <https://www.acf.hhs.gov/ocs/resource/community-services-block-grant-statute>
- CSBG IM#82 Tripartite Boards:
 - <https://www.acf.hhs.gov/ocs/resource/im-no-82-tripartite-boards>
- CAPLAW FAQ: “Working with an Elected Public Official’s Representative on the Tripartite Board”
 - https://caplaw.org/resources/faqs/Governance/CAPLAW_FAQ_WorkingwithElectedPublicOfficialsRep_Sept2018.pdf
- CAPLAW “Training Tools for Public CAA Boards”
 - https://caplaw.org/resources/PublicationDocuments/csbgbboardtrainingtools/CAPLAW_TrainingToolsforPublicCAABoards_Sept2014.pdf
- CSBG IM#138 State Establishment of Organizational Standards for CSBG Eligible Entities
 - <https://www.acf.hhs.gov/ocs/resource/csbg-im-138-state-establishment-of-organizational-standards-for-csbg-eligible-entities>
- Your agency’s bylaws, board manual, and policies & procedures

Questions?

