



Board Meeting

October 27, 2021 at 6:00 p.m.

Zoom Link: <https://fresnoeoc.zoom.us/j/83471459752>

Meeting ID: 834 7145 9752

1-669-900-6833



BOARD MEETING AGENDA

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|
| 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Pledge of Allegiance to be led by Linda Hayes | Action | Presenter |
| 2. ROLL CALL A. Roll Call - 3 | | |
| 3. APPROVAL OF RESOLUTION Consideration of Resolution Acknowledging a State of Emergency and Reauthorizing Meeting by Remote Teleconference consistent with AB 361. A. AB 361 Resolution - 4 | Approve | Price |
| | Approve | Price |
| 4. APPROVAL OF SEPTEMBER 22, 2021 MINUTES A. September 22, 2021 Board Meeting Minutes - 9 | Approve | |
| 5. PUBLIC COMMENTS (This is an opportunity for the members of the public to address the Board on any matter related to the Commission that is not listed on the Agenda.) | | |
| 6. ADDITIONS TO THE AGENDA (The Board may add an item to the agenda if, upon a two-thirds vote, the Board finds that there is a need for immediate action on the matter and the need came to the attention of the Board after the posting of this agenda.) | | |
| 7. POTENTIAL CONFLICT OF INTEREST (Any Board Member who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.) (FPPC §87105) | | |
| 8. TRANSFORMING AND INSPIRING A. Women, Infants and Children - 12 | Information | Thornton |
| 9. HEAD START 0 to 5 A. FY 2022 Head Start 0 to 5 Continuation/Refunding Application- Year 1 - 13 | Approve | Lazzarini |
| 10. BYLAWS REVISIONS A. Articles of Incorporation and Bylaws Revisions - 18 | Approve | Reyes Price |
| 11. COVID VACCINE POLICY A. COVID Vaccine Policy - 41 | Approve | Reyes Price |
| 12. APPROVAL OF CONSENT AGENDA Any Commissioner may pull any Consent Item for discussion or separate vote | | |

A. A. Bylaws Committee Items – October 6, 2021**Approve**

1. March 18, 2021 By-Laws Committee Meeting Minutes - 54

B. Finance Committee Items – October 13, 2021**Approve**

1. September 8, 2021 Finance Committee Meeting Minutes - 55
2. Financial Reports: August 2021 - 59
3. Stop Loss Coverage - 66
4. Non-Competitive Procurement (Information) - 69
5. Health Insurance Report (Information) - 70
6. Variance Reports (Information) - 72

13. ADVISORY BOARDS**Accept**

- A. April 30, 2021 Foster Grandparent Community Advisory Group - 78
- B. September 7, 2021 Head Start County Wide Policy Council Minutes - 81
- C. September 14, 2021 SOUL Governing Council Meeting Minutes - 83

14. CHIEF EXECUTIVE OFFICER'S REPORT

- A. CEO Report - 85

Information**Reyes**

15. COMMISSIONERS' COMMENT**Hayes**

16. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL –
ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. Number of Cases: 1

B. PUBLIC EMPLOYEE EVALUATION
Title: CEO

Price

17. FEDERAL FUNDS POLICY

Consideration of Policy Regarding Use of Federal Funds and Treatment of Federal Funds Subject to Withholding Due to a Federal Investigation

- A. Federal Funds Policy - 88

Approve**Rodriguez
Price**

18. CEO EMPLOYMENT AGREEMENT

Consideration of Employment Agreement between Fresno EOC and Emilia Reyes, CEO

- A. Chief Executive Officer (CEO) Employment Agreement - 91

Approve**Hayes**

19. NEXT MEETING:

Wednesday, November 17, 2021 at 6:00p.m.

20. ADJOURNMENT



BOARD OF COMMISSIONERS ROLL CALL 2021

| Commissioner | Term Expiration | Target Area or Appointing/Nominating Org. | 1/27 | 2/24 | 3/24 | 4/16 | 5/26 | 6/23 | 9/22 | 10/27 | 11/17 | 12/15 |
|--------------------------------|-----------------|-------------------------------------------|------|------|------|------|------|------|------|-------|-------|-------|
| ARAMBULA, AMY | Dec 2022 | 31st Assembly District | P | P | P | P | P | P | P | | | |
| AVILA, ED | Dec 2022 | Juvenile Court | P | P | P | P | P | P | P | | | |
| BAINES, OLIVER | Dec 2022 | 16th Congressional District | P | P | P | P | O | P | O | | | |
| BONNER, ALYSIA | Dec. 2022 | Target Area F | P | P | P | P | P | P | P | | | |
| BROWN-JENKINS, ZINA | Dec 2022 | Head Start CWPC | P | P | P | P | P | P | P | | | |
| CANDLER, LEROY | Dec 2022 | NAACP | P | P | P | P | P | P | O | | | |
| COUNTEE, JEROME | Dec 2021 | SCCCD | P | O | P | O | P | P | P | | | |
| DE JESUS PEREZ, FELIPE | Dec 2021 | Target Area A | P | P | P | P | P | P | P | | | |
| GARABEDIAN, CHARLES | Dec 2021 | Board of Supervisors | P | P | P | P | P | P | P | | | |
| HAYES, LINDA R. | Dec 2022 | Target Area H | P | P | P | P | P | P | P | | | |
| HURTADO, JEWEL | Dec 2022 | Target Area C | P | P | P | P | P | P | O | | | |
| JAIME-MILEHAM, LUPE | Dec 2022 | FCSS | P | P | P | O | P | P | O | | | |
| KING BRIAN | Dec 2021 | Mayor's Appointment | P | O | P | P | P | P | P | | | |
| LEE, JOE | Dec 2021 | The Fresno Center | N/A | N/A | N/A | N/A | N/A | N/A | P | | | |
| LEON, REY | Dec 2022 | Target Area B | P | O | O | P | P | O | O | | | |
| MARTINEZ, DANIEL | Dec 2021 | Target Area D | P | P | P | P | P | P | O | | | |
| MARTINEZ, JAMES | Dec 2021 | Fresno Reel Pride | P | P | P | P | P | P | P | | | |
| McCOY, BARIGYE | Dec 2022 | Board of Supervisors | P | P | P | P | P | P | P | | | |
| NICHOLS, LISA | Dec 2021 | Target Area E | P | P | P | P | P | O | P | | | |
| REYES, ANDREA | Dec 2022 | Economic Development Corporation | P | P | P | P | P | P | P | | | |
| ROBLES, CATHERINE | Dec 2021 | Target Area G | P | P | O | P | O | O | P | | | |
| ROBLES, ITZI | Dec 2021 | SEFCEDA | P | P | P | P | P | O | P | | | |
| RODGERS, JIMI | Dec 2021 | Association of Black Social Workers | P | P | P | P | P | P | P | | | |
| ZARATE, RUBEN | Dec 2021 | 14th Senatorial District | P | P | P | O | P | O | P | | | |
| Present = X Phone = P | | | | | | | | | | | | |
| Absent = O | | | | | | | | | | | | |
| Vacant = V Excluded = N/A | | | | | | | | | | | | |
| | | | | | | | | | | | | |

It is the Commissioner's responsibility to check the matrix, verify accuracy and inform the Secretary or designee if any changes are needed.



BOARD OF COMMISSIONERS MEETING

| | |
|-----------------------------------|----------------------------------|
| Date: October 27, 2021 | Program: Executive Office |
| Agenda Item #: 3 | Director: N/A |
| Subject: AB 361 Resolution | Officer: Emilia Reyes |

Recommended Action

Adopt resolution authorizing the agency to allow for the Board of Commissioners and standing committees to participate via teleconference so long as such actions comply with newly adopted AB 361.

Background

Governor Newsom's Executive Order No. N-29-20, which allows some or all Commissioners/Committee Members to participate in a public meeting via teleconference (phone or video) is set to expire as of September 30, 2021.

On September 15, 2021 AB 361 was passed which includes the following:
Through December 31, 2023, AB 361 allows local agencies to continue to use COVID-19-era teleconferencing notice and meeting procedures as long as one of the following specific types of emergency exists:

- A. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- B. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- C. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The local agency board must make specific findings every 30 days during the emergency when telephonic or virtual meetings are required. The state of emergency in California still exists at least until the end of the year, so these findings must be made every 30 days after September 30, 2021 when the Executive Order expires:

- A. The legislative body has reconsidered the circumstances of the state of emergency.
- B. Any of the following circumstances exist:
 - (i) The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - (ii) State or local officials continue to impose or recommend measures to promote social distancing.

The new law also prohibits local agencies from requiring public comments to be submitted prior to the meeting without also allowing real-time comment opportunities during the meeting. In addition, the new law allows third-party internet websites to collect names and other information from the public in order to participate in the meeting, but local agencies themselves are still prohibited from requiring the same information to participate. Finally, if there is an internet or telephonic service disruption that prevents the agency from broadcasting the meeting, the agency may take no action until the broadcast is restored. Normal posting timelines for agendas still apply, as well as the roll-call vote requirement.

Fiscal Impact

There are no financial implications to this decision.

Conclusion

If the Board adopts the resolution, the Board will continue to meet via teleconference. This item will also be included in every consent Regular Commission Meeting Agenda for approval moving forward until the end of 2021.



RESOLUTION

OF THE BOARD OF COMMISSIONERS

FRESNO ECONOMIC OPPORTUNITIES COMMISSION

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE FRESNO ECONOMIC OPPORTUNITIES COMMISSION ACKNOWLEDGING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE ACKNOWLEDGMENT OF A STATE OF EMERGENCY BY N-12-21 ISSUED ON AUGUST 16, 2021, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF FRESNO ECONOMIC OPPORTUNITIES COMMISSION FOR THE PERIOD BETWEEN OCTOBER 26, 2021 TO NOVEMBER 25, 2021 PURSUANT TO BROWN ACT PROVISIONS.

WHEREAS, the Fresno Economic Opportunities Commission ("Fresno EOC") is committed to preserving and nurturing public access and participation in meetings of the Board of Commissioners; and

WHEREAS, all meetings of Fresno EOC's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the agency's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within Fresno County, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Commissioners previously adopted a Resolution on September 22, 2021, finding that the requisite conditions exist for the legislative bodies of Fresno EOC to

conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Commissioners must reconsider the circumstances of the state of emergency that exists in Fresno County, and the Board of Commissioners has done so; and

WHEREAS, emergency conditions persist within Fresno County, specifically, Governor Newsome has signed Order N-12-21 declaring a state of emergency; and

WHEREAS, the County of Fresno continues to recommend social distancing as a result of COVID-19; and

WHEREAS, the Board of Commissioners does hereby find that the Governor's declared State of Emergency and the County's recommended social distancing has caused, and will continue to cause, conditions of peril to the safety of persons within Fresno County that are likely to be beyond the control of services, personnel, equipment, and facilities of the agency, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Commissioners does hereby find that the legislative bodies of Fresno EOC shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF FRESNO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Commissioners hereby considers the conditions of the state of emergency and acknowledges that a local emergency persists throughout Fresno County; and

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of August 16, 2021.

Section 4. Remote Teleconference Meetings. The CEO and legislative bodies of Fresno EOC are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in

accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 25, 2021, or such time the Board of Commissioners adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Fresno EOC may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Commissioners of the Fresno ECO, this 26th day of October, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**BOARD OF COMMISSIONERS MEETING
September 22, 2021 at 6:00 PM****MINUTES****1. CALL TO ORDER**

Linda Hayes, Board Chair, called the meeting to order at 6:02 P.M.

2. ROLL CALL

Present: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, Joe Lee, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Catherine Robles, Itzi Robles, Jimi Rodgers, and Ruben Zarate.

Absent: Oliver Baines, LeRoy Candler, Jewel Hurtado, Lupe Jaime-Mileham, Rey Leon, and Daniel Martinez.

3. APPROVAL OF JUNE 23, 2021 MINUTES

A. June 23, 2021 Board Meeting Minutes

Public Comment: None heard.

Motion by: Garabedian

Second by: Reyes

Ayes: Amy Arambula, Alysia Bonner, Zina Brown-Jenkins, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Joe Lee, James Martinez, Lisa Nichols, Andrea Reyes, Jimi Rodgers, and Ruben Zarate.

Abstain: Itzi Robles

Nayes: None heard.

4. PUBLIC COMMENTS

Public Comment: None heard.

No action required.

5. ADDITIONS TO THE AGENDA

There were no additions to the agenda.

Public Comment: None heard.

6. POTENTIAL CONFLICT OF INTEREST

There were no conflict of interest.

7. TRANSFORMING AND INSPIRING

Jon Escobar, Food Services Director, introduced client Ofelia Ochoa, who shared her experience with the Rural Food Express Bus. Ochoa expressed her gratitude for the food her children receive and hope Fresno EOC continues to provide services for the rural area of Mendota. Davena Witcher, Executive Director of Alliance for Medical Outreach & Relief (AMOR), shared how the Rural Food Express Bus services benefit the children in the community.

Public Comment: None heard.

No action required.

8. STRATEGIC PLANNING OVERVIEW

A. Strategic Planning Overview

Yen Kilday, Director of Impact, introduced Adrian Ruiz, Executive Director, Youth Development Network (YDN); they briefly shared and provided an overview of the 2022-2025 Strategic Planning for Fresno EOC Core Values, Mission, and Vision.

Public Comment: None heard.

No action required.

9. SCHOOL OF UNLIMITED LEARNING

A. 2021-2022 Independent Study Board Policy

Michelle Tutunjian, Chief Operating Officer, provided an overview and recommended Board approval to adopt the 2021-2022 Independent Study Board Policy to be in compliance with the Assembly Bill 130.

Public Comment: None heard.

Motion by: Nichols **Second by:** Kings

Ayes: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Itzi Robles, Catherine Robles, Jimi Rodgers, and Ruben Zarate.

Abstain: Joe Lee

Nayes: None heard

10. APPROVAL OF CONSENT AGENDA

Motion by: Zarate **Second by:** Garabedian

Ayes: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, Joe Lee, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Itzi Robles, Catherine Robles, Jimi Rodgers, and Ruben Zarate.

Nayes: None heard

Public Comment: None heard.

APPROVAL OF PULLED CONSENT AGENDA ITEMS

10A4 – Personnel Policies and Procedures Manual

Commissioner Arambula inquired about the Vaccination Policy, Child Support Referral, and Severance Pay. Reyes, and Heather Brown, Chief Administrative Officer, responded to her questions.

Motion by: Arambula **Second by:** Garabedian

Ayes: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, Joe Lee, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Itzi Robles, Catherine Robles, Jimi Rodgers, and Ruben Zarate.

Nayes: None heard

Public Comment: None heard.

11. ADVISORY BOARDS

Motion by: Nichols **Second by:** King

Ayes: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, Joe Lee, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Itzi Robles, Catherine Robles, Jimi Rodgers, and Ruben Zarate.

Nayes: None heard

Public Comment: None heard

12. CHIEF EXECUTIVE OFFICER'S REPORT

A. CE Report

Reyes, shared the loss of two employees due to COVID, she asked to please keep their families in our prayers.

B. AB 361 Resolution

Reyes, request board approval to adopt the AB 361 Resolution for the Board to continue to meet via teleconference.

Motion by: Garabedian **Second by:** Countee

Ayes: Amy Arambula, Ed Avila, Alysia Bonner, Zina Brown-Jenkins, Jerome Countee, Felipe De Jesus Perez, Charles Garabedian, Linda Hayes, Brian King, Joe Lee, James Martinez, Barigye McCoy, Lisa Nichols, Andrea Reyes, Itzi Robles, Catherine Robles, Jimi Rodgers, and Ruben Zarate.

Nayes: None heard

Public Comment: None heard.

13. COMMISSIONERS COMMENT

Commissioner Martinez, would like to thank Fresno EOC for their continue support in sponsoring Reel Pride LGBTQ Film Festival.

No action required.

14. NEXT MEETING:

Wednesday, October 27, 2021 at 6:00p.m.

15. ADJOURNMENT

Public Comment: None heard.

No action required.



BOARD OF COMMISSIONERS MEETING

| | |
|--------------------------------------------|---------------------------------------------|
| Date: October 27, 2021 | Program: Women, Infants and Children |
| Agenda Item #: 8A | Director: Annette Thornton |
| Subject: Transforming and Inspiring | Officer: Jack Lazzarini |

Background

The information presented during this item is intended to keep the Board apprised on various agency programs as well as highlighting clients we serve.

BOARD OF COMMISSIONERS MEETING

| | |
|--------------------------------------------------------------------------------------|-----------------------------------|
| Date: October 27, 2021 | Program: Head Start 0 to 5 |
| Agenda Item #: 9A | Director: Rosa M. Pineda |
| Subject: FY 2022 Head Start 0 to 5 Continuation/Refunding Application- Year 1 | Officer: Jack Lazzarini |

Recommended Action

Staff recommends Board ratification for full Board consideration of the Fiscal Year 2022 Head Start 0 to 5 Continuation/Refunding Application- Year 1.

Background

Head Start 0 to 5 is funded on an annual basis (January 1 through December 31) by the Department of Health and Human Services (HHS) and Office of Head Start (OHS). The Head Start 0 to 5 is funded to serve economically challenged families and their children, including those with disabilities from birth to five-years of age. Through the Program's coordinated interdisciplinary approach, the child's education, social development, nutrition, health (including physical, mental and dental), self-image and school readiness are enhanced.

Head Start 0 to 5 management submitted a request for authorization of the FY 2022 Head Start 0 to 5 Continuation/Refunding Application- Year 1, to the County-Wide Policy Council and Fresno EOC Board of Commissioners Chairperson on October 1, 2021, to which they both respectively authorized.

This budget was submitted to Health and Human Services (HHS) as part of the FY 2022 Head Start/Early Head Start Continuation/Refunding Application package. The deadline for submission to HHS was October 1, 2021. Notification for grant award will be prior to December 31, 2021.

The Head Start /Early Head Start Refunding Grant Application for FY 2022 (Year 1 of the funding cycle) includes the following budget components:

1. **Basic Head Start Budget (G094122): \$33,969,720**
2. **Basic Early Head Start Budget (G094122): \$7,490,163**

3. **Head Start Training and Technical Assistance Budget (G094120): \$323,826**
4. **Early Head Start Training and Technical Assistance Budget (G094121): \$173,371**

Head Start/Early Head Start Program Budget Narrative (G094122):

Annually, our program serves a minimum of 2590 clients (including 50 prenatal women). The proposed budgets support children to receive comprehensive services designed to support their developmental progression from pre-birth to kindergarten readiness. Based on parent preference and current community needs assessment, Fresno EOC's Head Start 0 to 5 program offers both center base and home base program options. In all cases, parents at centers and home-base areas self-determine program options.

The proposed FY 2022 **Basic Head Start Budget** is **\$33,969,720** for program operations including family literacy, inclusion services and transition. Throughout urban and rural Fresno County, Head Start will serve a total of 2,112 children and families of which 1992 of those are children in 100 center-based classes and 120 are children served in 4 home-base areas.

The proposed 2022 **Basic Early Head Start Budget** is **\$7,490,163** for program operations including inclusion services. Throughout urban and rural Fresno County, Early Head Start will serve a total of 478 children and families year-round. Eighty-two of those children are served in center-based classes, 52 are served in Family Child Care and 344 are children or prenatal women served in home-based settings.

Per federal mandate, at least 10% of all enrollments must be filled by children with disabilities. All personnel and fringe benefits costs, purchases of equipment, supplies, services, parent engagement costs, etc. in said budgets are in line with the Head Start Program Performance Standards, goals and objectives of the Fresno EOC Head Start 0 to 5.

The proposed **Inclusion Services Budget** (G094122) for FY 2022, included in the overall budget, is **\$917,843**. Our children with disabilities have special needs including psychological, educational, and physical needs. We provide training and supplies necessary for inclusion of children with disabilities in classrooms.

The proposed **Literacy/Transition Budget** (G094122) included in the Basic Budget for FY 2022 is **\$176,456**. These funds support family and child literacy. They also provide connection between Head Start and the Unified School Districts where transitioning children will attend kindergarten.

Training and Technical Assistant Budget Narrative (G094120/G094121):

The proposed FY 2022 **Head Start T&TA** budget is **\$323,826**. The proposed FY 2022 **Early Head Start T&TA** is **\$173,371**. These funds are to provide training and technical

assistance to Head Start/Early Head Start program staff, parents, and the Fresno EOC Board of Commissioners to improve the quality of services provided to the children and families.

The needs for the training requested are determined from analyses of Community Assessment Outcomes, Program Information Report findings, requirements in Head Start Program Performance Standards, and the program's Self-Assessment monitoring.

The application includes the following additional components:

Community Assessment (CA):

For year 1, a strengths and needs assessment was conducted January through August as part of the Head Start 0 to 5 grant application process in order to determine need for Head Start/ Early Head Start services in local communities throughout Fresno County.

Program Goals & Objectives:

Program Goals & Objectives for the first year of the grant cycle are included in the Continuation/Refunding Grant application. Detailed work plans which specify activities, time frames, staff responsibilities and evaluation for each year have been developed with staff and CWPC input. Staff have met throughout the past year to review and update the progress for each goal over the past school year. The updates will be presented to the CWPC at their November 2021 meeting. Copies of the updated program goals and objectives are available upon request for Fresno EOC Board review.

School Readiness Goals:

The School Readiness goals were written for the five-year period of our funding cycle. The goals state children will demonstrate age appropriate positive: 1. approaches toward learning, 2. social behavior, emotional regulation and emotional well-being, 3. communication, language and emergent literacy skills, 4. general cognitive skills and 5. physical development and health.

These goals target behaviors that will help children be successful in kindergarten and life when they transition to the K-12 system at age five. The goals document includes teaching and parenting strategies to support children's optimal development.

Head Start 0 to 5 aggregates child school readiness data using the Infant/Toddler Developmental Assessment (IDA) or the Desired Results Developmental Profile 2015, DRDP, three times a year, per federal mandate. Each child's developmental progression towards expected milestones is tracked. The expectations of our school readiness goals are aligned, as required, with the California State Infant/Toddler Learning and Development Foundations and the Early Learning Outcomes Framework (ELOF) of the Office of Head Start. The results of the aggregation of the data reveal

program trends. Individual IDA/DRDP results are provided to the parent(s) at the time of their child's assessment and clarify whether or not the child needs additional interventions.

Program Options:

Staff have included the Program Options Charts, a required, part of the grant application, for review. These charts indicate whether slots at each site are funded as home base or center base opportunities.

Fiscal Impact

The Head Start 0 to 5 Basic and Training and Technical Assistance Budgets have a fiscal impact of \$41,957,082 which constitutes approximately 50% of Fresno EOC's budget and funds over 50% of the agency's employees.

Conclusion

If approved by the full Board, the FY 2022 Head Start 0 to 5 Continuation/Refunding Application- Year 1 proposal, will allow Head Start 0 to 5 and their partners to continue serving children and families in Fresno County.

**TOTAL HEAD START PROGRAM SUMMARY
FOR FY 2022**

| Grant Program | SALAR | FRINGE | TRAVEL | EQUIPMENT | SUPPLIES | CONTRACTUAL | OTHER | TOTAL DIREC | TOTAL INDIREC | TOTAL FEDERAL | NON FEDERAL | TOTAL FEDERAL & NON-FEDERAL |
|-------------------------------|--------------|-------------|----------|-----------|-----------|-------------|-------------|----------------|------------------|------------------|----------------|-----------------------------------|
| Central Administration | \$4,316,756 | \$1,896,706 | \$0 | \$0 | \$178,413 | \$474,594 | \$1,300,282 | \$8,166,751 | \$695,884 | \$8,862,635 | \$2,215,659 | \$11,078,293 |
| Inclusion Services | 532,101 | \$233,796 | 0 | 0 | 8,116 | 22,784 | 48,979 | 845,775 | \$72,068 | 917,843 | \$229,461 | 1,147,304 |
| Center Base | 10,714,198 | \$4,707,628 | 0 | 0 | 279,973 | 2,075,208 | 1,885,957 | 19,662,964 | \$1,675,469 | 21,338,433 | \$5,334,608 | 26,673,041 |
| Home Base | 508,775 | \$223,546 | 0 | 0 | 14,576 | 0 | 64,211 | 811,108 | \$69,114 | 880,222 | \$220,056 | 1,100,278 |
| Literacy/Transition | 98,713 | \$43,373 | 0 | 0 | 12,314 | 0 | 8,201 | 162,601 | \$13,855 | 176,456 | \$44,114 | 220,570 |
| Allocated Staff | 545,787 | \$239,809 | 0 | 0 | 0 | 0 | 0 | 785,596 | \$66,940 | 852,536 | \$213,134 | 1,065,670 |
| Allocated Staff - CSPP | 602,802 | \$264,860 | 0 | 0 | 0 | 0 | 0 | 867,662 | \$73,933 | 941,595 | \$235,399 | 1,176,993 |
| Total Head Start Basic | 17,319,131 | 7,609,718 | 0 | 0 | 493,392 | 2,572,586 | 3,307,630 | 31,302,456 | 2,667,264 | 33,969,720 | 8,492,430 | 42,462,150 |
| Total Head Start T&TA | 0 | 0 | 12,928 | 0 | 25,000 | 15,948 | 243,212 | 297,088 | 26,738 | 323,826 | 80,957 | 404,783 |
| Total Head Start Basic & T&TA | \$17,319,131 | \$7,609,718 | \$12,928 | \$0 | \$518,392 | \$2,588,534 | \$3,550,841 | \$31,599,544 | \$2,694,001 | \$34,293,546 | \$8,573,386 | \$42,866,932 |

**TOTAL EARLY HEAD START PROGRAM SUMMARY
FOR FY 2022**

| Grant Program | SALAR | FRINGE | TRAVEL | EQUIPMENT | SUPPLIES | CONTRACTUAL | OTHER | TOTAL DIREC | TOTAL INDIREC | TOTAL FEDERAL | NON FEDERAL | TOTAL FEDERAL & NON-FEDERAL |
|---------------------------|-------------|-------------|----------|-----------|-----------|-------------|-----------|----------------|------------------|------------------|----------------|-----------------------------------|
| Basic | \$3,638,491 | \$1,130,331 | | | \$285,800 | \$1,016,132 | \$801,215 | \$6,871,969 | \$618,194 | \$7,490,163 | \$1,872,541 | \$9,362,704 |
| T&TA | 0 | 0 | 16,898 | 0 | 19,173 | 26,526 | 96,459 | 159,056 | 14,315 | 173,371 | \$43,343 | 216,714 |
| Total HS/EHS Basic & T&TA | \$3,638,491 | \$1,130,331 | \$16,898 | \$0 | \$304,973 | \$1,042,658 | \$897,674 | \$7,031,025 | \$632,509 | \$7,663,534 | \$1,915,884 | \$9,579,418 |

**HEAD START 0 - 5 PROGRAM SUMMARY
FOR FY 2022**

| Grant Program | SALAR | FRINGE | TRAVEL | EQUIPMENT | SUPPLIES | CONTRACTUAL | OTHER | TOTAL DIREC | TOTAL INDIREC | TOTAL FEDERAL | NON FEDERAL | TOTAL FEDERAL & NON-FEDERAL |
|---------------------------------|--------------|-------------|----------|-----------|-----------|-------------|-------------|----------------|------------------|------------------|----------------|-----------------------------------|
| Basic Head Start-Preschool | \$17,319,131 | \$7,609,718 | \$0 | \$0 | \$493,392 | \$2,572,586 | \$3,307,630 | \$31,302,456 | \$2,667,264 | \$33,969,720 | \$8,492,430 | \$42,462,150 |
| Basic EHS | 3,638,491 | 1,130,331 | 0 | 0 | 285,800 | 1,016,132 | 801,215 | 6,871,969 | 618,194 | 7,490,163 | 1,872,541 | 9,362,704 |
| Total Basic HS & EHS | \$20,957,622 | \$8,740,049 | \$0 | \$0 | \$779,192 | \$3,588,718 | \$4,108,845 | \$38,174,425 | \$3,285,457 | \$41,459,883 | \$10,364,971 | \$51,824,854 |
| T&TA Head Start-Preschool | \$0 | \$0 | \$12,928 | \$0 | \$25,000 | \$15,948 | \$243,212 | \$297,088 | \$26,738 | \$323,826 | \$80,957 | \$404,783 |
| T&TA Early Head Start | 0 | 0 | 16,898 | 0 | 19,173 | 26,526 | 96,459 | 159,056 | 14,315 | 173,371 | 43,343 | 216,714 |
| Total HS & EHS T&TA | \$0 | \$0 | \$29,826 | \$0 | \$44,173 | \$42,474 | \$339,671 | \$456,144 | \$41,053 | \$497,197 | \$124,299 | \$621,496 |
| Grand Total HS/EHS Basic & T&TA | \$20,957,622 | \$8,740,049 | \$29,826 | \$0 | \$823,365 | \$3,631,192 | \$4,448,515 | \$38,630,570 | \$3,326,510 | \$41,957,080 | \$10,489,270 | \$52,446,353 |

DRAFT 1
2022 CONTINUATION BUDGET RECAP



BOARD OF COMMISSIONERS MEETING

| | |
|----------------------------------|------------------------------|
| Date: October 27, 2021 | Program: N/A |
| Agenda Item #: 10A | Director: N/A |
| Subject: Bylaws Revisions | Officer: Emilia Reyes |

Recommended Action

The Bylaws Committee recommends review and approval for full Board consideration the Agency's Bylaws and the Articles of Incorporation.

Background

The Bylaws Committee reviews the Fresno EOC's Bylaws every two years to determine if there should be modifications to the document and present the revised Bylaws to the Board of Commissioners. Over the last six months, the Bylaws Committee met three times, including one ad-hoc committee meeting of the Bylaws Committee, to consider and recommend substantial revisions to the Bylaws.

Additionally, Fresno EOC's Articles of Incorporation have not been updated since 1965. Articles of Incorporation, which are filed with the California Secretary of State's Office, function like a constitution for the nonprofit corporation. The Articles contain the organization's purposes, its tax exempt status, and statements indicating that the organization will not engage in certain prohibited political and legislative activity and notice that all of its assets will be dedicated to its exempt purpose under 501(c)(3). The purposes of the agency described in the Articles of Incorporation should generally match the purposes described in the Bylaws. Attached are revisions to the Articles, which are consistent with the changes to the Bylaws.

The following is a high-level summary of the material changes to the Bylaws:

Article I:

The legal name of the Fresno EOC with the State of California is the Fresno County Economic Opportunities Commission. It is perfectly permissible for the Fresno EOC to be known by other names but the Bylaws reflects the legal name of the agency.

Article II:

The purposes have been updated to reflect Fresno EOC's purposes as a community action agency that is a 501(c)(3) nonprofit public corporation and quasi-governmental.

Article V:

Each sector of Commissioner applicants – public, target area, and community sector – shall be required to complete an application for appointment. This requirement is being imposed because the EOC staff would receive necessary information about Commissioners, especially public sector applicants, to ensure that they meet the minimum criteria required under the law and the Bylaws. Additionally, with respect to community sector commissioners, the appointed commissioner must have some affiliation with the appointing community organization. "Affiliated" shall mean "individuals who actively participate in the affairs of, or serves as an employee or active volunteer of, the Community Sector Organization recommending the appointment."

Article IV:

The Board may remove a Commissioner for excessive absences, which is defined as three absences of regular Board meetings in a calendar year. However, that Commissioner may timely petition the Board to retain the Board seat if the Board determines there is good cause to excuse the excessive absences.

Article VII:

Consistent with California law, no Commissioner may be employed by or contract with Fresno EOC for one-year after the expiration of that Commissioner's term.

Article VIII:

Fresno EOC will comply with the Brown Act. Additionally, the Bylaws Committee is recommending that the Board of Commissioners have no more than six regular meetings per year. If there is a need for additional meetings, such business may occur during a special meeting.

Article IX:

The position of Second Vice Chair has been eliminated from the Bylaws.

Article X:

A few committees have been combined. Pension and Human Resources have been merged, as have Finance and Infrastructure.

Article XIII:

The obligation for the agency to defend and indemnify Commissioners has been strengthen and modernized.



Fiscal Impact

None.

Conclusion

If approved by the full Board, the agency's Bylaws will be effective, January 1, 2022.



FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION

BYLAWS

MODIFIED OCTOBER ~~2018~~2021

2904074v1 / 22466.0002

1



BYLAWS

ARTICLE I. NAME

The corporation's name shall be the Fresno County Economic Opportunities Commission ~~as stated in its articles of incorporation~~. The corporation may be referred to herein as "Corporation ~~organization~~" or "Agency."

ARTICLE II. PURPOSES & LIMITATIONS

1. **Purposes:** This Corporation is a California nonprofit public benefit corporation organized under the Nonprofit Public Benefit Corporation Law. This Corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding provision of any future United States Internal Revenue Law. The specific and primary purposes of this Corporation are to undertake various charitable endeavors related to (i) developing, conducting and administering programs as a Community Act Agency formed under the Economic Opportunity Act of 1964, as subsequently amended; (ii) identifying areas of poverty in Fresno County; (iii) encouraging, stimulating and assisting in the development of anti-poverty projects, as well as promote self-sufficiency, by non-profit and public organizations; and (iv) implementing various economic development and service programs in Fresno County in such as areas as transportation, education, job training, nutrition, and related activities. This Corporation is also authorized to receive contributions and grants and to make donations to, and otherwise aid and support, legally permissible undertakings consistent with the above-stated purposes.

2. **Limitations.** Notwithstanding any of the above statements of purposes and powers, this Corporation shall not, except to an insubstantial degree, engage in any activities, or exercise any powers that are not in furtherance of the specific and primary purposes of this Corporation and this Corporation shall not carry on any other activities not permitted to be carried on by (i) a corporation exempt from Federal income tax under Section 501(c)(3) of the Code, or (ii) corporate contributions to which are deductible under Section 170(c)(2) of the Code.

~~The organization's purposes shall be as stated in its articles of incorporation.~~

ARTICLE III. AUTHORITY AND RESPONSIBILITY OF THE BOARD OF COMMISSIONERS

The ~~organization~~ Corporation's Board of Commissioners (hereafter sometimes referred to as "Board" or "Commission") shall supervise, control and direct the business and affairs of the ~~organization~~ Corporation. All Commissioners shall ~~fully~~ participate in the development, planning, implementation and evaluation of the programs offered by the ~~organization~~ Corporation in its service of low income individuals and families.

Commissioners shall be focused on the total problem of poverty in the County as well as with the interests of their respective target areas and appointing entities. The Commissioners shall be responsible for reporting back to their appointing entities and target areas as well as informing the Commission as a whole regarding the problems and relevant activities of their areas and appointing entities.

ARTICLE IV. COMPOSITION OF THE BOARD

Section 1: Community Services Block Grant (CSBG) Board Composition Requirements:

The Board shall consist of no more than twenty four (24) Commissioners, one-third from each sector described in this section below (the "Tripartite"). The number of Commissioners may not be increased or decreased without a resolution of the Board, provided that no decrease shall have the effect of shortening the term of any incumbent Commissioner and the total number of Commissioners is divisible by three.

Public Sector Commissioners. One-third of the tripartiteTripartite Board shall be elected or public officials, or their appointed representatives;

Target Area Commissioners. One-third of the tripartiteTripartite Board shall be persons chosen in accordance with democratic selection procedures adequate to assure that these Commissioners are representative of low-income individuals and families in the neighborhood served; reside in the neighborhood served; and are able to participate actively in the development, planning, implementation, and evaluation of the organizationCorporation's programs; and

Community Sector Commissioners. One—third of the tripartiteTripartite Board shall be officials or members of business, industry, labor, religious, law enforcement, education, social services, and/or multi-cultural organizations, or other major groups and interests in the community served.

Section 2: Head Start Board Composition Requirements

In order to meet Head Start requirements, the Board must also include:

- A. At least one Commissioner with a background and expertise in fiscal management or accounting.
- B. At least one Commissioner with a background and expertise in early childhood education and development.
- C. At least one Commissioner who is a licensed attorney familiar with issues that come before the governing body.

However, if a person described in any one of the three preceding sentences is not available to serve as a Commissioner, the Board shall use a consultant, or another individual with relevant expertise, with the required qualifications, who shall work directly with the Board.

- D. One Commissioner shall represent the Head Start Policy Council.

ARTICLE V. SELECTION OF COMMISSIONERS

Each prospective Commissioner from each sector shall complete the Corporation's application prior to appointment. For Public Sector Commissioners, the appointing agency shall supply the application to the prospective Commissioner and provide a completed application to the Corporation prior to appointment. After each prospective Commissioner has been selected to serve on the Board through the appropriate selection process described in the policies and procedures for the sector in which he or she proposes to serve, and has been determined by the Board (or a Committee thereof) to meet the qualifications set by the Board from time to time for service as a Commissioner, the Board shall vote whether to elect him or her to the Board.

Formatted: Font: 10 pt

A. Public Sector Commissioners. Public Sector Commissioners appointed from the following shall be considered for election to the Board:

- One Commissioner appointed by the Mayor of the City of Fresno;
- Two Commissioners appointed by the Fresno County Board of Supervisors;
- One Commissioner appointed by the Fresno County Superior Court Presiding Judge sitting in the Juvenile Department;
- One Commissioner appointed by the State Center Community College District Board of Trustees;
- One Commissioner appointed by a member of the California Assembly;
- One Commissioner appointed by a member of the California Senate; and
- One Commissioner appointed by a member of the U.S. Congress.

Each Public Sector Commissioner must (i) be a resident of Fresno County; and (ii) have an strong awareness of poverty in the community in which they live and a desire to implement solutions to address poverty.

B. Target Area Commissioners. Target Area Commissioners shall be elected by members of the respective areas hereinafter "Target Area" in accordance with Policies and Procedures established by the Commission, under elections that are run by the Internal Audit department and supervised by the Selection Committee appointed by the Board Chair. Emphasis should be given to providing maximum participation of low income persons in the selection process of Target Area Commissioners, who shall be duly elected from areas within Fresno County that insure equal target area rural and urban representation and adopted by the Commission.

C. Community Sector Commissioners. Community Sector Commissioners may consist of representatives of business, industry, labor, religious, law enforcement, youth, education, social services, and/or multicultural organizations (each a "Community Sector Organization") that can contribute or mobilize economic and human resources, ethnic and racial diversity and balance to the Commission as a whole, and is supportive of the mission and objectives of the ~~agency~~Agency. The Community Sector Commissioners shall be selected in accordance with the written policies and procedures established from time-to-time by the Commission. The proposed Community Sector Commissioner must be affiliated with the Community Sector Organization recommending that appointment. For the purposes of the appointment of Community Sector Commissioners, "affiliated" shall be limited to individuals who actively participate in the affairs of, or serves as an employee or active volunteer of, the Community Sector Organization recommending the appointment.

ARTICLE VI. TERMS OF OFFICE

Each Commissioner shall serve a two-year term, or until the Commissioner sooner dies, resigns, is removed, or becomes disqualified. The January meeting of the Commission shall represent the beginning date for the term of office of a Commissioner first elected or appointed, or reelected or reappointed. A public official shall serve as a Public Sector Commissioner only while he or she continues to hold public office. A representative of a public official shall serve as a Public Sector Commissioner only while the public official who designated him or her continues to hold public office. An individual designated by a Community Sector Organization to serve as a Community Sector Commissioner shall so serve only while he or she continues to be ~~associated~~affiliated with the organization that designated the Commissioner.

ARTICLE VII. COMMISSIONERS

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Not Highlight

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Section 1. Powers

A. General Corporate Powers. Subject to the provisions of the California Nonprofit Corporation Law and any limitations in the Articles of Incorporation, the business and affairs of the ~~organization~~Corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the Commission.

B. Organizational Jurisdiction. ~~For the purposes of California law, the jurisdiction of the Corporation shall be Fresno County. Notwithstanding the foregoing, the Corporation may conduct business outside of Fresno County.~~

Formatted: Font: 10 pt, Not Bold

CB. Specific Powers. Without prejudice to these general powers, and subject to the same limitations, the Commissioners shall have the power to:

1. Appoint or remove a Chief Executive Officer according to the policies set forth by the Commission.
2. Prescribe any and all powers and duties in the Chief Executive Officer that are consistent with law, with the Articles of Incorporation, and with these Bylaws, and fix the compensation of the Chief Executive Officer.
3. Approve all programs and budgets and shall oversee the enforcement of grant conditions. The Commission shall ~~conduct the affairs in~~compliance with any and all requirements of the applicable Federal and State Law including, but not limited to, those laws requested by its funding sources, and any regulations promulgated thereunder.
4. Change the principal executive office or the principal business office in the State of California from one location to another; cause the ~~organization~~Corporation to be qualified to do business in any other state, territory, dependency, or country and conduct business within or outside the State of California; and designate any place within ~~or outside the State of California~~the Corporation's jurisdiction for the holding of any meeting or meetings ~~of the Board~~, including annual meetings.
5. Adopt, make and use a corporate seal; prescribe the forms of membership certificates, if applicable; and alter the form of the seal and certificates.
6. Borrow money and incur indebtedness on behalf of the ~~organization~~Corporation and cause to be executed and delivered for the ~~organization~~Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecation, and other evidences of debt and securities.

Section 2. Vacancies

Vacancies shall be deemed to exist on the occurrence of the following: death, resignation or removal of any Commissioner. The Board shall take steps to ensure that vacant seats are filled in a timely manner. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

A. Public Sector Commissioners. When a vacancy occurs in a Public Sector Board seat held by the representative of a public official, the Board shall request that the public official either take the seat himself or herself or put forth another representative to be elected by the Board. If the public official fails to take the seat himself or herself or to name another representative within

the period specified by the Board, the Board shall select another public official to serve as a replacement Commissioner or to appoint a representative, subject to approval of the Board, to so serve.

B. Target Area Commissioners. Vacancies in the target area sector shall be filled using the same democratic process originally used to fill the seat.

G. Community Sector Commissioners. When a vacancy occurs in a seat held by an individual designated by a Community Sector Organization, the Board shall ask the Community Sector Organization that designated that individual to designate another individual, subject to approval by the Board, to fill the vacancy. Should that Community Sector Organization fail, within the period specified by the Board, to designate an individual to fill the vacancy, the Board shall select another Private Sector Organization to designate an individual, subject to approval of the Board, to fill the vacancy. After a vacancy, each Community Sector Organization shall have thirty (30) days to provide a name of a proposed Community Sector Commissioner. The appointed Community Sector Commissioner shall serve for the remaining term of the original Community Sector Commissioner.

Section 3. Resignation

A Commissioner may resign from the Board by delivering his or her written resignation to the Chair, to a meeting of the Commission, or to the ~~organization~~Corporation at its principal office. The resignation shall be effective upon receipt unless specified to be effective at some other time. A Commissioner who has ceased to meet the qualifications for service as a Commissioner, as specified in these bylaws and by the Board from time to time, and/or for the Board seat to which he or she was elected, is deemed to have resigned as of the date he or she ceased to meet those qualifications.

Section 4. Removal

A. Removal by Appointing Authority. The appointing authority may remove for any reason and nominate at will a replacement Commissioner, who shall be subject to approval of the Board.

BA. Grounds for Removal by the Board. The Board may remove a Commissioner from the Board or -can be removed from the Board, any Committee and from any office for the following reasons:

1. Incapacity. The Board may remove a Commissioner, if in the opinion of the Board, the Commissioner is incapacitated or otherwise unable to carry out the duties of his or her office. The term incapacity shall also include a declaration of unsound mind by a final court order or conviction of a felony.

2. Cause. The Board may remove a Commissioner for cause on any of the following grounds:

- i. violation of the ~~organization~~Corporation’s articles of incorporation, or bylaws, or conflict of interest policy, or Board resolutions or other policies,
- ii. repeated disruptions of Board or Committee meetings,
- iii. false statements on documents completed in connection with service as a Commissioner or Officer of the ~~organization~~Corporation,
- iv. fraudulent or dishonest acts or gross abuse of authority or gross abuse of discretion with reference to or negatively reflecting upon the ~~organization~~Corporation’s programs

Formatted: Font: 10 pt, Font color: Red

Formatted: Font: 10 pt, Not Highlight

Formatted: Font: 10 pt, Font color: Red

Formatted: Font: 10 pt, Font color: Red, Not Highlight

Formatted: Font: 10 pt, Not Highlight

Formatted: Font: 10 pt, Font color: Red, Highlight

Formatted: Font: 10 pt, Bold

Formatted: Font: 10 pt

or mission,

- v. a Target Area Commissioner moving outside of their Target Area, or
- vi. a Community Sector Organization that nominated the Commissioner ceases to exist or operate within Fresno County.

3. Superior Court judgment. A Commissioner may be removed by the Superior Court pursuant to Corporations Code section 5223 or final judgment by a court of competent jurisdiction for breach of the duty under Corporations Code sections 5230 et seq.

4. Negligence of Duties. The Board may remove a Commissioner for failure to consistently respond to emails or telephone calls requesting input from Board members, lack of follow-through on assignments, including submission of requested reports and/or lack of participation overall in the activities of the Board.

5. Excessive Absences. The Board ~~may shall~~ remove a Commissioner by resolution, after three (3) absences ~~of regular meetings~~ in a calendar year. A Commissioner may timely petition the Board to retain his or her Board seat so long as the Board determines, in its sole discretion, that there is good cause to excuse the excessive absences.

B. Procedure for Removal. The Commission shall follow the policy established for removal of Commissioners established by the Board from time to time.

Section 5. Conflicts of Interest

Subject to the articles of incorporation, bylaws and any applicable law, the Board shall adopt and implement a conflict of interest policy covering the ~~organizationCorporation's~~ Commissioners, Officers and such employees and other persons as may be specified in the policy. The conflict of interest policy, which may be revised by the Board of Commissioners from time-to-time, shall comply with California Government Code sections 1090 and 87100 et seq., and Head Start regulations. However, under no circumstances shall the

Formatted: Font: 10 pt, Italic

~~In compliance with Head Start regulations, Commissioners of the organization may not:~~ have a financial conflict of interest with the organization or its delegate agencies; be employees of the Head Start or Early Head Start programs; or be immediate family members of any employees of the Head Start or Early Head Start programs. For this purpose, the term "immediate family member" means: a spouse, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons-in-law, and adopted and step family members. Commissioners who are federal employees are prohibited from serving in any capacity that would require them to act as an agent of or attorney for the organization in its dealings with any federal government departments or agencies.

Commissioners shall disclose in writing to the Secretary all relationships described in this section, not later than ten (10) days after becoming aware of any relevant conflict of interest.

Section 6. Compensation of Commissioners

Commissioners may not receive compensation for serving on the Board or for providing services to the ~~organizationCorporation~~. However, they may receive reimbursement (or advances, in the case of low-income sector Commissioners) from the ~~organizationCorporation~~ for reasonable and documented expenses incurred in the course of performing services as Commissioners. To the extent the ~~organizationCorporation~~ makes any such reimbursements or advances, it shall do so only in accordance

with financial policies established from time-to-time by the Board.

Section 7. Employment of Commissioners

No ~~Commissioner member~~ shall be eligible to ~~accept-be employed by the employment on the agency staff association until no less than six one (16) months year~~ after the term or period of services as a Commissioner has terminated. ~~Likewise, no person who was a Commissioner, as an individual or executive of another organization, may contract with the Agency for a period of one-year after term or period of services as a Commissioner has terminated.~~ A member of an advisory board of the Commission shall be ineligible to accept employment until three (3) months after ~~terminating the termination from the term of period of~~ service on any association advisory board. However, any individual falling below the California or federal poverty guideline is automatically exempt from the above "waiting period" requirement, ~~but must so long as that individual resigns from the Commission or advisory board at the time of acceptance of employment and such employment does not violate California or federal conflicts of interest law.~~

Formatted: Font: 10 pt

ARTICLE VIII. MEETINGS

Section 1. Annual Meeting

The annual meeting of the Board shall be held during the month of January each year, subject to postponement by the Board. The purposes of the annual meeting are to elect officers and to transact such other business as may come before the meeting. If the annual meeting is postponed, a special meeting may be held in its place, and any business transacted shall have the same force and effect as if transacted at the annual meeting.

Section 2. Regular Meetings

Meetings shall be scheduled for the convenience of Commission members and the public. ~~The regular meeting schedule will be adopted periodically by the Board but not less than once per year.~~ Regular meetings of the Board shall ~~be held at least not exceed ten-six (6+10)~~ times per year, generally on the fourth Wednesday of ~~the each~~ month. At any regular meeting the agenda shall provide an opportunity for any person to present discussion regarding any matter of public interest that is within the subject matter jurisdiction of the Agency. ~~Nothing shall prevent the Board of Commissioners from meeting via special meeting on a case-by-case basis.~~

Formatted: Font: 10 pt

Section 3. ~~Open Meetings~~Closed Session

~~All Board and standing committee meetings will comply with the Ralph M. Brown Act (Government Code section 54950, et seq.). As part of such Brown Act compliance, the Board at all meetings shall provide an opportunity for the public to comment on any action or information item before the Board as well as public comment period for matters properly within the subject matter jurisdiction of the Corporation that is not otherwise on the agenda. Additionally, the Board may from time-to-time convene and take action in closed session so long as expressly authorized under the Brown Act.~~

Formatted: Font: 10 pt, Italic

~~As permitted by law, upon an approved motion of the Board, the Board may enter closed session to discuss and vote on issues that are considered confidential.~~

Section 4. Notice

Written notice of the time, date, location and agenda of each meeting of the Board shall be given to each Commissioner and made available to the public at least 72 hours ~~before~~before regular meetings or 24 hours before a special meeting. ~~Commissioners must protest the lack of notice before the beginning of the meeting. Lack of notice does not preclude the Board from bringing up and/or taking action on items during the meeting, except as provided by law.~~

Section 5. Quorum

A majority of the number of Commissioners authorized pursuant to these bylaws constitutes a quorum of the Board for the transaction of business. A quorum or its absence shall be determined at the beginning of all meetings. For Board committee meetings, a quorum shall be 50% of the members of the Committee. The Board Chair's presence shall count towards the establishment of a quorum. Should a meeting not meet quorum requirements or lose the quorum at some point during the meeting, the meeting may proceed with informational items, however no action other than adjournment may be taken.

Section 6. Voting and Action by the Board

Unless a greater number is required by the ~~organization~~Corporation's articles of incorporation, these bylaws, ~~organization~~Corporation policies and procedures or by law, the act of a majority of the ~~C~~ommissioners at any meeting at which a quorum is present shall be an act of the ~~B~~oard. Each Commissioner shall have one vote (provided that he or she is not prohibited from voting on a particular matter due to a conflict of interest). Votes by proxy are prohibited.

Section 7. Parliamentary Procedure

Where necessary and in matters not covered by these bylaws, Robert's Rules of Order, Newly Revised, shall serve as a guide to proper procedure (but need not be followed strictly for valid action) at meetings of the Board and its Committees.

Section 8. Participation by Conference Telephone, Electronic Video Screen Communication or Electronic Transmission

Any Board member's participation in any meeting via electronic means shall comply with the Brown Act's limitations on technological conferences, as may be modified by Executive Order.

~~Members of the Board may participate in a meeting through use of conference telephone, electronic video screen communication or electronic transmission. Participation in a meeting through use of conference telephone or electronic video screen communication pursuant to this section constitutes presence in person at that meeting as long as all members participating in the meeting are able to hear one another, including members of the public. Participation in a meeting through use of electronic transmission by and to the organization, other than conference telephone and electronic video screen communication, pursuant to this subdivision constitutes presence in person at that meeting if both of the following apply:~~

- ~~A. Each member participating in the meeting can communicate with all of the other members concurrently.~~
- ~~B. Each member is provided the means of participating in all matters before the Board, including, without limitation, the capacity to propose, or to interpose an objection to, a specific action to be taken by the organization.~~

Section 9. Action without a Meeting

~~No action by the Board may be taken without a meeting. An action required or permitted to be taken by the Board may be taken without a meeting, if all members of the Board shall individually or collectively consent in writing to that action. The written consent or consents shall be filed with the minutes of the proceedings of the Board. The action by written consent shall have the same force and effect as a unanimous vote of the Commissioners.~~

Section 10. Special Meetings

Special meetings may be called by the Chair or upon the written and signed request of ten (10) or more Commissioners, dated and specifying the items of business. Notice of any special meeting shall be given to each Commissioner and posted to the public at least twenty four (24) hours in advance of such meeting and shall specify the purpose of the meeting. No other business shall be transacted except the agenda items described in the notification.

Section 11. Adjourned Meeting

Any Commission meeting, annual or special whether or not a quorum is present, may be adjourned from time to time by the vote of the majority of the Commissioners represented at the meeting; but in the absence of a quorum, no other business may be transacted at that meeting, except as provided in this Article.

ARTICLE IX. OFFICERS

The officers of the Commission shall consist of a Chair, ~~First Vice Chair, Second Vice Chair,~~ Secretary, and Treasurer, all of whom shall be elected from the members of the Commission with the exception that the CEO shall be appointed to serve as Secretary. Such officers shall be elected to serve until the next annual meeting of the Commission or until their successors shall have been elected and qualify. No Commissioner shall hold more than one office at the same time.

Formatted: Font: 10 pt

Section 1. Duties of Officers

The duties and powers of the officers shall be as follows or as shall be set hereafter by resolution or policy of the Board of Commissioners:

- A. Chair.** The Chair shall: (1) be the chief volunteer officer of the ~~organization~~Corporation, subject to the direction and control of the Board; (2) preside at meetings of the Board of Commissioners; (3) appoint the members of standing and of such special Committees with the approval of the Commission; (4) be ex-officio a member of all Committees; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time. The Chair may vote on any matter before the Commission. The Chair shall be counted to determine the existence of a quorum.
- B. ~~First Vice Chair and Second Vice Chair.~~** In the absence of the Chair or the Chair's inability or refusal to act, the ~~First Vice Chair and Second Vice Chair as alternate,~~ shall perform the duties of the Chair and shall perform such other duties as the Commission may, from time to time, designate.
- C. Secretary.** The Commission shall appoint the Chief Executive Officer, who shall serve as the

Chief Administrative Officer and as Secretary to the Commission. The secretary shall be responsible for the recording and maintenance of records of all proceedings of the Board. This shall include the attendance of Commissioners at meetings, record of votes of all motions of all meetings of the Commission, and all Commission Committees. These records shall be kept in electronic or print files which shall be kept at the principal office of the Commission. The records shall be open at all reasonable times to the inspection of any Commissioner. Such files shall also contain the Commission's articles of incorporation and bylaws (as well as any amendments thereto) and the names of all Commissioners and the address of each. The secretary or his or her delegate shall give all notices that may be required by law or by these bylaws. The secretary shall perform such other duties and have such other powers as the commissioners shall determine from time to time.

- D. Treasurer.** The treasurer shall: (1) oversee the ~~organization~~Corporation's financial management practices, subject to the direction and control of the Board; (2) ensure that the ~~Ce~~commissioners understand the financial situation of the ~~organization~~Corporation (including ensuring that financial statements for each month are available for each meeting of the Board of Commissioners and are kept on file at the ~~organization~~Corporation's principal office); (3) serve as Chair of the Finance Committee; (4) serve as an Authorized Check Signatory when the Chair is unavailable; and (5) perform such other duties and have such other powers as the Board of Commissioners may determine from time to time.

Section 2. Delegation of Duties

An officer may delegate the specific duties set forth above to another individual or receive assistance from another individual in performing such duties, so long as the Officer retains oversight and review of the work of the other individual and the records and documents prepared and distributed by that individual.

Section 3. Election

The Officers shall be elected each year by the Board at the Board's annual meeting. In the event that any or all of the Officers are not elected at the annual meeting, they may be elected at a subsequent Board meeting. Other Officers may be elected from time to time by the Board. The Board may from time-to-time adopt a Board elections policy providing for the procedures and implementation of Board elections.

Section 4. Term of Office

Each Officer shall hold office until the next annual meeting and until his or her successor is elected and qualified or until the Officer sooner dies, resigns, is removed or becomes disqualified.

Section 5. Removal of Officers

Any Commissioner can bring forth to the Bylaws Committee a recommendation for removal of an Officer to be heard by the Bylaws Committee. Removal of Officers shall follow the procedure in Article VII, Section 4.

Section 5. Resignation of Officers

An Officer may resign by delivering his or her written resignation to the Chair, to a meeting of the Commissioners or to the Secretary. The Board Chair may relinquish their position as Chair by

notifying the Board or Secretary in writing. Such resignation shall be effective upon receipt unless specified to be effective at some other time.

Section 6. Vacancies

The Board should promptly fill vacancies in the Officer positions, either at a regular meeting or at a special meeting called for that purpose. Each successor shall hold office for the unexpired term of his or her predecessor or until the successor sooner dies, resigns, is removed or becomes disqualified.

Section 8. Chief Executive Officer

The Board shall appoint and employ a Chief Executive Officer who, subject to the Board's direction and control, shall: manage the day-to-day affairs of the ~~organization~~Corporation; implement goals and policies established by the Board; report on and advise the Board and its Committees concerning the affairs and activities of the ~~organization~~Corporation; and prepare an annual administrative budget for the approval of the Commission.

The Chief Executive Officer shall be empowered to hire, supervise and terminate the ~~organization~~Corporation's other employees in accordance with personnel policies established by the Board. In addition, the Chief Executive Officer shall perform such other duties and have such other powers as the Board may determine from time to time. The Chief Executive Officer shall attend meetings of the Board and may attend meetings of its Committees..

The Board shall evaluate the Chief Executive Officer and set his/her compensation on an annual basis. The Board may remove the Chief Executive Officer at any time with or without cause. Removal without cause shall be without prejudice to the Chief Executive Officer's contract rights, if any, and the appointment of the Chief Executive Officer shall not itself create contract rights.

~~The Chief Executive Officer and all employed staff charged with the handling of Commission funds shall post with the Commission at the organization's expense a fidelity bond in an amount approved by the Commission.~~

ARTICLE X. COMMITTEES

The Board may establish one or more Committees (standing and/or ad hoc) and may delegate to any such Committee or Committees any or all of its powers, except the powers specified in section 5212 of the California Corporations Code.. Any Committee to which the powers of the Commissioners are delegated shall consist solely of Commissioners and shall, to the extent possible, reflect the ~~tripartite~~Tripartite composition of the full Board. Committee members and Chairs shall be appointed by the Board Chair and be approved by the Board and shall serve at the pleasure of the Board.

Each Committee shall keep a record of its actions and proceedings and, when required by the Board, shall make a report of those actions and proceedings to the Board. Unless the commissioners otherwise designate, Committees shall conduct their affairs in the same manner as is provided in these ~~Bylaws~~ Bylaws for the conduct of the affairs of the Board of Commissioners, with such changes in the context of such provisions as are necessary to substitute the Committee and its members for the Board and its members; provided, however, that the time of regular meetings of Committees may be determined either by resolution of the Board or by resolution of the Committee, and that special meetings of a Committee may also be called by resolution of the Board. A quorum for any meeting shall be 50 percent of that Committee. The Board may adopt rules for the governance of any Committee not inconsistent with the provisions of these bylaws. Each standing Committee shall comply with the Brown Act.

There shall be the following standing Committees: Executive, ~~Human Resources~~Human Resources/Pension ("Human Resources"), Finance/~~Infrastructure~~ ("Finance"), Bylaws, Audit, ~~Pension~~, Program Planning and Evaluation Committee and Infrastructure. The Board Chair shall appoint the Chair of each Committee who shall serve until a successor shall have been duly appointed for the term of that person as a member of the Commission shall have ended. The committee shall determine the

Formatted: Font: 10 pt

Formatted: Font: 10 pt

frequency and meeting dates for each committee meeting.

Section 1. Executive Committee

The Executive Committee shall be composed of the four (4) elected officers as well as the chairs of the ~~Audit~~, Bylaws, Program and Planning, ~~Human Resources~~~~Personnel~~ and ~~Pension~~ Committees. This Committee shall have all the powers and authority of the Board of Commissioners, as allowed by law in the intervals between meetings of the Board, and is subject to the direction and control of the full Board.

The Executive Committee shall act on interim matters that cannot wait until the next Commission meeting. Its decision(s) are subject to approval by the Commission. The Executive Committee shall make a report of its actions and proceedings to the Board at the next meeting of the Board held after such actions or proceedings. The Executive Committee shall meet as necessary as determined by the Chair. An Executive Committee meeting may be called by the Chair or upon the written request of two (2) Committee members with 48 hours' notice.

Section 2. Finance Committee

The Finance Committee shall be composed of the Treasurer, who shall be its Chair, and four (4) other Commissioners, at least one from each ~~tripartite~~~~Tripartite~~ sector. The Finance Committee shall: (1) advise the Chief Executive Officer in the preparation and administration of the operating budget; (2) oversee the administration, collection, and disbursement of the financial resources of the ~~organization~~~~Corporation~~; (3) advise the Board with respect to significant financial decisions, including the integrity of the financial statements of the Corporation; ~~(4) and (124)~~ have such other powers and perform such other duties as the Board may specify from time to time. Additionally, the Finance Committee (1) establish outcome statements for meeting the agency's infrastructure needs, and periodically monitor performances towards meeting these statements; (2) review, discuss and make recommendations to the Board of Commissioners relative to the agency's plans for real estate acquisitions/development, property maintenance, and technology advancements, and procurement activities; (3) meet the community and agency staff's infrastructure needs; (4) provide employment opportunities for clients, students, and corps members by creating relationships among the agency's education and employment training programs; (5) promote procurement opportunities to small proprietors, women, and minority operated businesses and those certified as a Disadvantaged Business Enterprise (DBE) as it pertains to facilities management/maintenance, IT network, telecommunications, and real estate activities.

Section 3. Audit Committee

The Audit Committee shall be composed of five (5) Commissioners, with at least one from each tripartite sector and who are not on the Finance Committee. The Audit Committee shall assist the Board of Commissioners in fulfilling its oversight responsibilities by monitoring: (1) the overall systems of internal control and risk mitigation; (2) the integrity of the financial statements of the organization; (3) compliance by the organization with legal and regulatory requirements and ethical standards; (4) at the close of each fiscal year shall present to the Commission a financial report for the year audited by a licensed Certified Public Accountant; and (5) the selection, independence and performance of the organization's independent auditors. In addition, the Audit Committee shall oversee the internal audit department and have such other powers and perform such other duties as the Board may specify from time to time.

Section 4. Bylaws Committee

The Bylaws Committee shall be composed of five (5) Commissioners, with at least one from each ~~tripartite~~~~Tripartite~~ sector. The Bylaws Committee shall: (1) oversee Board member recruitment (including

administering the target area Board member democratic selection process, recommending candidates for Public and Community Sector Board seats, and ensuring that the Board fills vacancies promptly), orientation, and training; (2) coordinate the Board's periodic evaluation process of itself and the organization's governance structure, policies and procedures; (3) coordinate periodic review of the ~~organizationCorporation~~'s articles of incorporation and bylaws; and (4) have such other powers and perform such other duties as the Board may specify from time to time. An ad hoc committee of the Bylaws Committee shall be appointed by the Chair of the Bylaws Committee to interview all prospective Community Sector Commissioners.

Section 5. Program Planning and Evaluation Committee

The Program Planning and Evaluation Committee shall be composed of five (5) Commissioners, with at least one from each ~~tripartiteTripartite~~ sector. Subject to the direction and control of the full Board, the Program Planning and Evaluation Committee shall: (1) oversee implementation of the ~~organizationCorporation~~'s community needs assessment and strategic planning processes approved by the Board and conduct periodic reviews to determine to what degree the ~~organizationCorporation~~ is addressing the needs and goals identified through these processes; (2) shall discuss, review and recommend grant applications; (3) track the progress of the ~~organizationCorporation~~'s programs in meeting identified goals and objectives; (4) oversee the ~~organizationCorporation~~'s processes for outcome reporting for its programs; (5) review monitoring reports, evaluations, and other feedback on the ~~organizationCorporation~~'s programs provided by funding sources and other interested parties; (6) work with the ~~organizationCorporation~~'s staff and full Board to ensure that monitoring findings are addressed in a timely way; (7) oversee the regular evaluation of the ~~organizationCorporation~~'s programs by the ~~organizationCorporation~~'s Board and staff; and (8) regularly report to the full Board on these matters. In addition, the program planning and evaluation Committee shall have such other powers and perform such other duties as the Board may specify from time to time.

Section 6. Human Resources Committee

The Human Resources Committee shall be composed of five (5) Commissioners, with at least one from each ~~tripartiteTripartite~~ sector, two elected employee representatives, and two Pension Plan Trustees and shall (1) periodically review the ~~organizationCorporation~~'s personnel policies and procedures and implementation thereof, and report findings and recommendations for policy and procedures changes to the full Board; (2) periodically review the ~~organizationCorporation~~'s compensation schedule and implementation thereof, recommend any changes to the Board; (3) review and make recommendations to the Board regarding the ~~organizationCorporation~~'s employee benefits package; (4) receive information from the ~~organizationCorporation~~'s staff and attorneys on legal proceedings involving the ~~organizationCorporation~~'s employees and make recommendations and reports to the Board on those matters; (5) on a quarterly basis. ~~In addition, the Human Resources Committee shall have such other powers and perform such other duties as the Board may specify from time to time.~~

Section 7. Pension Committee

~~The Pension Committee shall be composed of five (5) Commissioners, with at least one from each tripartite sector, two elected employee representatives, and two Pension Plan Trustees. The Pension Committee meets on a quarterly basis to~~ review and approve quarterly financial reports and investment performance reports of the retirement plans; receive an update of the current investment market; and answer any questions of the employees and Board members on the plan; ~~(6) The Committee will provide employees with a diversified slate of investment options, and make changes to the funds offered as needed; and (7) have such other powers and perform such other duties as the Board may specify from time to time.~~

ARTICLE XI. POLICIES AND PROCEDURES

Section 1. Annual Statement of Certain Transactions and Indemnifications

No later than the time the organizationCorporation gives its annual report, if any, to the Commissioners, and in any event no later than 120 days after the close of the organizationCorporation's fiscal year, the organizationCorporation shall prepare and mail or deliver to each Commissioner a statement of the amount and circumstances of any transaction or indemnification of any transaction(s) in which the agencyAgency, its parent or its subsidiary was a party, or in which any Commissioner or Officer had a direct or indirect financial interest.

Section 2. Fiscal Year

The fiscal year of the organizationCorporation shall be fixed by resolution of the Board of Commissioners and may be changed by the Board of Commissioners.

Section 3. Execution of Instruments

Except as the Board may generally or in particular cases authorize the execution thereof in some other manner, all deeds, leases, transfers, contracts, bonds, notes, checks, drafts, and other obligations made, accepted and endorsed by the organizationCorporation shall be signed by the Chair or the Chief Executive Officer and checks drawn on any account of the organizationCorporation shall be signed by either the Chair, the Treasurer or the Chief Executive Officer (each an "Authorized Check Signatory") and, if in excess of any amount determined by the Board from time to time, countersigned by another Authorized Check Signatory. Unless authorized by the Board, no Officer, employee or agent shall have any power or authority to bind the organizationCorporation by any contract or agreement, or to pledge its credit, or to render it liable for any purpose or for any amount.

Section 4. Agents

The Board may appoint agents who shall have such authority and shall perform such duties as may be prescribed by the Board. The Board may remove any such agent at any time with or without cause. Removal without cause shall be without prejudice to such person's contract rights, if any, and the appointment of such person shall not itself create contract rights.

ARTICLE XII. BONDING

The Board shall require all Officers of the organizationCorporation charged with handling of funds, and may require any other Officer, director, employee or agent, to be bonded for performance of their duties in such amount and by such bonding company registered in the state of California as shall be satisfactory to the board at the organizationCorporation's expense.

ARTICLE XIII. INDEMNIFICATION OF COMMISSIONERS, OFFICERS, EMPLOYEES, AND OTHER AGENTS

Section One. Actions Other Than By the Corporation.

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any proceeding (other than an action by, or in the right of, this Corporation to procure a judgment in its favor, an action brought under Section 5233 of the California Corporations Code, or an action brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust) by reason of the fact that such person is or was an agent of this Corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if that person acted in good faith and in a manner that person reasonably believed to be in the best interests of this Corporation and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of that person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of this Corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

Section Two. Actions By the Corporation.

The Board of Commissioners shall have the power to indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or completed action by, or in the right of, this Corporation, or brought under Section 5233 of the California Corporations Code, or brought by the Attorney General or a person granted relator status by the Attorney General for breach of duty relating to assets held in charitable trust, to procure a judgment in its favor by reason of the fact that person is or was an agent of this Corporation, against expenses actually and reasonably incurred by that person in connection with the defense or settlement of that action if that person acted in good faith, in a manner that person believed to be in the best interests of this Corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 8.02 for any of the following reasons:

In respect of any claim, issue or matter as to which that person shall have been adjudged to be liable to this Corporation in the performance of that person's duty to this Corporation, unless, and only to the extent that, the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, that person is fairly and reasonably entitled to indemnity for the expenses and then only to the extent that the court shall determine;

Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval unless it is settled with the approval of the Attorney General.

Section Three. Successful Defense By Agent.

To the extent that an agent of this Corporation has been successful on the merits in defense of any proceeding referred to in Sections 8.01 or 8.02, or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

Section Four. Required Approval

Except as provided in Section 8.03, any indemnification under this Article VIII shall be made by the Board of Commissioners only if authorized in the specific case upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 8.01 or 8.02, by any of the following:

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold, No underline, Font color: Auto, Not Hidden

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold, No underline, Font color: Auto, Not Hidden

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold

A majority vote of a quorum consisting of Board of Commissioners who are not parties to the proceeding; or

The court in which the proceeding is or was pending, upon application made by this Corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by this Corporation.

Section Five. Advance of Expenses.

Expenses incurred in defending any proceeding may be advanced by this Corporation before the final disposition of the proceeding upon receipt of an undertaking by, or on behalf of, the agent to repay the amount of the advance unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article VIII.

Section Six. Other Contractual Rights

No provision made by the Corporation to indemnify its Commissioners or Officers for the defense of any proceeding, whether contained in the Corporation's Articles of Incorporation or Bylaws, a resolution of the Board, an agreement or otherwise, shall be valid unless consistent with this Article VIII. Nothing contained in this Article VIII shall affect any right to indemnification to which persons other than Commissioners and Officers of this Corporation may be entitled by contract or otherwise.

Section Seven. Limitations.

No indemnification or advance shall be made under this Article VIII, except as provided in Sections 8.03 or 8.04, in any circumstances where it appears:

That it would be inconsistent with a provision of the Articles of Incorporation, Bylaws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

Section Eight. Insurance.

The Corporation shall have the right to purchase and maintain insurance to the fullest extent permitted by law on behalf of its agents, against any liability asserted against or incurred by any agent in such capacity or arising out of the agent's status as such, regardless of whether the Corporation would have the power to indemnify the agent against the liability under the provisions of this Article VIII; provided, however, that the Corporation shall have no power to purchase and maintain such insurance to indemnify any agent of the Corporation for a violation of Section 5233 of the California Corporations Code.

The Board shall have the statutory power to indemnify the agents of the organization pursuant to the terms and conditions of section 5238 of the California Corporations Code, as amended. All provisions, definitions, powers and limitations set forth in 5238 are incorporated herein by this reference as though set forth fully and at length herein. Nothing herein shall prevent, preclude, impair or otherwise limit the power of the Board of Commissioners to obtain insurance as described in section 5238.

ARTICLE XIV. EFFECTIVE DATE/AMENDMENT OF BYLAWS

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold, No underline, Font color: Auto, Not Hidden

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold, No underline, Font color: Auto, Not Hidden

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold

Formatted: Font: (Default) Tahoma, 10 pt, Bold, No underline, Font color: Auto, Not Hidden

| These bylaws shall be effective as of January 1, 2022. These bylaws may be altered, amended or repealed at any meeting of the Commissioners; provided that notice of the meeting must be provided to the Commissioners at least 14 days before the date of the meeting and must include the text of the proposed alteration, amendment or repeal.

ARTICLE XV. DISSOLUTION

In the event of dissolution of this Commission by act of the Commission or by operation of law, such dissolution shall be conducted in accordance with the laws of the State of California, in proceedings to which the Attorney General shall be a party.

**ARTICLES OF INCORPORATION
OF
FRESNO COUNTY ECONOMIC OPPORTUNITY COMMISSION**

I.

The name of this corporation is FRESNO COUNTY ECONOMIC OPPORTUNITY COMMISSION.

II.

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. This corporation is organized and operated exclusively for charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

C. The specific and primary purposes of this corporation are to undertake various charitable endeavors related to (i) developing, conducting and administering programs as a Community Act Agency formed under the Economic Opportunity Act of 1964, as subsequently amended; (ii) identifying areas of poverty in Fresno County; (iii) encouraging, stimulating and assisting in the development of anti-poverty projects, as well as promote self-sufficiency, by non-profit and public organizations; and (iv) implementing various economic development and service programs in Fresno County in such as areas as transportation, education, job training, nutrition, and related activities. This corporation is also authorized to receive contributions and grants and to make donations to, and otherwise aid and support, legally permissible undertakings consistent with the above-stated purposes.

D. Notwithstanding any other provision of these Articles of Incorporation, this corporation shall not carry on any other activities not otherwise permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law); or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

III.

The name and street address in the State of California of this corporation's initial agent for service or process is Emilia Reyes, CEO, 1920 Mariposa Street, Suite 300 Fresno, California 93721.

IV.

A. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate in, or intervene in, any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to, any candidate for public office.

B. This corporation is not organized, and shall not be operated, for pecuniary gain or profit. The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net earnings or assets of this corporation shall ever inure to the benefit of, or be distributable to, its members, directors, trustees, officers, or other private persons except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law).

V.

Upon the dissolution or winding up of this corporation, the assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law), or shall be distributed to an organization exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or the corresponding provision of any future United States Internal Revenue Law), for its exempt purposes.

VI.

The liability of the directors of this corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

VII.

This corporation is authorized to indemnify the directors and officers of this corporation to the fullest extent permissible under California law.

VIII.

The corporation's street address and mailing address is 1920 Mariposa Street, Suite 300 Fresno, California 93721.

Dated: October __, 2021.

Emilia Reyes



BOARD OF COMMISSIONERS MEETING

| | |
|--------------------------------------|------------------------------|
| Date: October 27, 2021 | Program: N/A |
| Agenda Item #: 11A | Director: N/A |
| Subject: COVID Vaccine Policy | Officer: Emilia Reyes |

Recommended Action

Staff recommends the Board of Commissioners adopt the COVID-19 Vaccination Policy to ensure compliance with guidance issued by the Safer Federal Workforce Task Force and for the health and safety of Fresno EOC employees.

Background

On September 9, the Biden Administration announced its COVID-19 Action Plan. A main goal of the plan is to increase the number of people who are vaccinated to combat the effects of COVID-19. As part of the plan, President Biden signed Executive Order 14042, entitled “Ensuring Adequate COVID Safety Protocols for Federal Contracts,” which directs executive departments and agencies to ensure compliance with all guidance for Federal contractors workplace locations published by the Safer Federal Workforce Task Force (the “Task Force”). The Task Force most recently issued its “

The Biden administration announced that all Head Start and Early Head Start employees must be vaccinated against COVID-19 by January 1, 2022. The Office of Head Start has sent Fresno EOC notice informing us of this mandate. Health and safety have always been core components of the Head Start program. Taking the step of getting fully vaccinated against COVID-19 by the end of the year is another way to ensure our children, families, and colleagues remain safe.

Also, according to the Guidance, Federal contractors will be required to ensure COVID-19 vaccination of all employees except in limited circumstances where an employee is entitled to an accommodation. Such safeguards are intended to enhance the health and safety of employees and those they come into contact with, decrease worker absences, reduce labor costs, and improve efficiency of those performing work for or on behalf of the Federal government.

Summary of the Vaccination Policy

Fresno EOC is monitoring all latest developments in the battle against COVID-19 and recent health guidelines in efforts to create the safest work environment for all Fresno EOC Staff and Head Start employees/children. To avoid unnecessary delay in complying with federal mandates and to protect our employees and their families, co-workers and the public staff recommends implementation of its COVID-19 Vaccination Policy effective immediately.

Key components of the policy include:

1. Requires employees to submit their vaccination status in accordance with the Guidance by December 17, 2021. Employees are considered to be “Fully Vaccinated” two weeks after receiving the second dose in a two-dose series (i.e. Pfizer-BioNTech or Moderna), or a single-dose vaccine (Johnson & Johnson/Janssen).
2. Unvaccinated employees may submit a request for accommodation for employees with a medical condition or sincerely held religious belief, practice or observance that prevents the employee from receiving the vaccine. Employees qualifying for such exemption will be subject to COVID-19 testing. Appropriate Fresno EOC staff shall make a determination with respect to the accommodation request on a case-by-case basis.
3. Fresno EOC employees who fail to comply with the policy are subject to discipline, including termination or removal. The policy will also apply to all candidates and applicants seeking initial employment with Fresno EOC.
4. Current employees who are not Fully Vaccinated are also ineligible for promotion or transfer within the Fresno EOC.


The Policy will be provided to any collective bargaining units for comment upon approval by the Board of Commissioners.

Fiscal Impact

None.

Conclusion

COVID-19 vaccines have proven to be safe and effective, and help prevent serious illness and death from COVID-19. It is of utmost importance for Fresno EOC employees to be vaccinated, not just for their own benefit, but also to help protect those who are not yet eligible for the vaccine, including our Head Start children. It is



recommended that the Board of Commissioners approve the COVID-19 Vaccination Policy to ensure compliance with the current Guidance and future vaccination mandates and the health and safety of Fresno EOC staff, employees, and students.

FRESNO ECONOMIC OPPORTUNITIES COMMISSION

Policy Requiring COVID-19 Vaccination for All Current and Future Fresno EOC Employees

I. Definitions

The words and terms defined in this Policy shall have the following meanings:

(a) “COVID-19” means the Novel Coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus and that resulted in a global pandemic.

(b) "Employee" or "Employees" means full, part-time and as-needed Fresno EOC employees, volunteers, and interns. For the purposes of this Policy only, Employees shall include those individuals who have received an conditional offer of employment by Fresno EOC but have not yet commenced work with Fresno EOC.

(c) “COVID-19 Vaccine” means a COVID-19 vaccine for which the U.S. Food and Drug Administration (FDA) has issued Emergency Use Authorization (EUA) or full licensure; vaccines that currently meet this requirement include Moderna or Pfizer-BioNTech (two-dose COVID-19 vaccine series) and Johnson & Johnson/Janssen (single-dose COVID-19 vaccine).

(d) “Fully Vaccinated” means 14 days or more have passed since an Employee received the second dose of a two-dose COVID-19 Vaccine series (Moderna or Pfizer-BioNTech) or a single dose of a one-dose COVID-19 Vaccine (Johnson & Johnson/Janssen). This definition may be expanded should booster shots for the COVID-19 Vaccines be required in accordance with guidance provided by the U.S. Centers for Disease Control (CDC), FDA, Fresno County Department of Public Health (FCDPH), and/or any other medical entity that provides reliable health and safety guidance.

(e) “Partially Vaccinated” means Employees who have received at least one dose of a two-dose COVID-19 Vaccine series (Moderna or Pfizer-BioNTech) but that do not meet the definition of Fully Vaccinated in this Policy.

(f) “Unvaccinated” means Employees who have not received any doses of COVID-19 Vaccine or whose status is unknown.

(g) “Exempted Employee” means Employees who have requested a medical or religious exemption to the COVID-19 Vaccine requirement and have been granted such request by Fresno EOC after review and determination that the requesting Employee is eligible for an exemption.

(h) “Policy” means this Policy Requiring COVID-19 Vaccination for All Current and Future Fresno EOC Employees.

II. Vaccination and Reporting Requirement

(a) To protect Fresno EOC's workforce and the public that it serves, all Employees must be Fully Vaccinated for COVID-19, or request an exemption, and report their vaccination status to Fresno EOC in writing, no later than December 31, 2021.

(b) As of December 31, 2021, the COVID-19 vaccination and reporting requirements contained in this Policy are conditions of Fresno EOC employment and a minimum requirement for all Employees, unless such Employee has been approved for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a medical condition or sincerely held religious belief. Any Employee that has been approved for an exemption must still report their vaccination status to maintain employment with Fresno EOC.

(c) Vaccination Requirements.

(1) To meet the December 31 deadline to be Fully Vaccinated, Employees must receive their second dose of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech) no later than December 17, 2021. The timing between the first and second dose depends on which vaccine is received. If an Employee receives the:

(a) Pfizer-BioNTech COVID-19 Vaccine, then that Employee should get their second dose 3 weeks (or 21 days) after the first. Accordingly, such Employees should receive their first dose no later than November 26, 2021.

(b) Moderna COVID-19 Vaccine, then that Employee should get their second dose 4 weeks (or 28 days) after their first. Accordingly, such Employees should receive their first dose no later than November 19, 2021.

(2) Employees must receive their single dose of a single-dose COVID-19 vaccine (Johnson & Johnson/Janssen) no later than December 17, 2021.

(3) Requests for exemption from the COVID-19 vaccination must be submitted no later than November 15, 2021.

(d) Reporting Requirements.

(1) Fresno EOC shall continue to collect and regularly report Employees' vaccination status as long as such data is deemed necessary and useful by the Fresno EOC Board of Commissioners.

(2) Booster shots for the COVID-19 vaccines may be required in accordance with guidance provided by the CDC, FDA, FCDPH, and/or any other medical entity that provides health and safety guidance.

a. Employees will be required to report their COVID-19 booster status to Fresno EOC should Fresno EOC Board of Commissioners determine, based on guidance provided by the CDC, FDA, FCDPH, and/or any other medical entity that provides health and safety guidance, that COVID-19 boosters are required in conformity with being Fully Vaccinated.

III. Qualified Exemptions

(a) All Employees shall have the right to petition for a medical or religious exemption to be evaluated on a case-by-case basis, consistent with Federal guidelines and Fresno EOC procedures for reasonable accommodation requests. A request for a medical or religious exemption must be submitted on documentation prescribed by Fresno EOC.

(b) An Employee with a medical condition or sincerely held religious belief, practice, or observance that prevents the Employee from receiving a COVID-19 Vaccine shall qualify for COVID-19 Vaccine exemption upon approval of documentation provided by the Employee to Fresno EOC unless the Chief Executive Officer determines that the granting of such an exemption shall cause an undue hardship for Fresno EOC. Employees who qualify for a medical or religious exemption may be subject to periodic testing prior to reporting to a worksite, as provided in Section III.(c)(1), below.

(c) Employees with medical or religious exemptions and who are required to regularly report to a Fresno EOC worksite shall be subject to COVID-19 testing. Testing will be provided to the Employees at no cost during their work hours following a process and timeline determined by Fresno EOC.

(1) Employees with medical or religious exemptions who are telecommuting or teleworking shall be subject to ad hoc COVID-19 testing when they are asked to report to a worksite on an as-needed basis.

(d) Fresno EOC's objective is to have a 100% Fully Vaccinated workforce. As such, Employees will not be granted the option to "opt out" of vaccination requirements under this Policy, and shall become subject to testing. A refusal to be vaccinated based on personal preference, concerns about possible side effects, or political opinions, does not qualify for an exemption. Only those with a medical or religious exemption and who are required to regularly report to a work location are eligible for testing prior to reporting to a work location.

V. Enforcement

Employees who fail to comply with the requirements of this Policy are subject to discipline, up to and including termination or removal (the "Enforcement Process"). Fresno EOC will initiate the Enforcement Process for Employees who fail to submit documentation to show that they have completed receiving required doses by December 17, 2021, so long as

those Employees have not received an exemption and Fresno EOC has not yet made a determination on an exemption request from such Employee.

V. Other Requirements

(a) Health Orders. Nothing in this Policy precludes Fresno EOC from following any order issued by local, state, or county health officers regarding mask mandates or physical distancing. If any order that Fresno EOC has adopted is anticipated to change, Fresno EOC shall alert all Employees of the potential change at the earliest opportunity and update this Policy accordingly.

(b) Masks and Physical Distancing. Employees who are Unvaccinated, Partially Vaccinated, or have an unreported status for any reason shall, in compliance with Fresno EOC standards and notwithstanding public policy guidelines, continue to wear masks regardless of the level of community transmission and adhere to physical distancing protocols while present at any Fresno EOC worksite or facility, or interacting with members of the public, except where it would be physically hazardous to do so due to the type of work performed.

(c) Policy Status. The Chief Executive Officer will monitor status reports and progress of reported vaccination statuses and discuss such information with the appropriate parties to determine the progress and update this Policy as necessary toward achieving Fresno EOC's goal of having a Fully Vaccinated workforce.

VI. Limitations on Promotions, Transfers, and Appointments

(a) All candidates and applicants seeking initial Fresno EOC employment, promotions, or transfers, including regular appointments, emergency appointments, temporary appointments, intermittent appointments, limited appointments, exempt full-time and half-time and hiring hall employment, must meet the minimum qualification of being Fully Vaccinated or receive an exemption and report their vaccination status prior to the appointment, promotion, or transfer.

(1) All Fully Vaccinated Employees that have reported their status to Fresno EOC are eligible immediately for any promotion or transfer.

(2) All Employees whose vaccination status is Unvaccinated, Partially Vaccinated, or unreported shall be ineligible to promote or transfer until the Employee has reported to Fresno EOC that they have been Fully Vaccinated.

(b) This section regarding the limitations on promotions and transfers shall become effective subject to the completion of the bargaining process with affected labor group.

VII. Severability

If any term or provision of this Policy is found to be in conflict with any local, state, or federal law, Fresno EOC will suspend said term or provision as soon as practicable and the remainder of this Policy shall not be affected thereby.

VIII. Urgency Clause

The Board of Commissioners of Fresno EOC finds and declares that this Policy is required for the immediate protection of the public peace, health, and safety for the following reasons: According to the Center for Disease Control, and the Fresno County Department of Public Health, COVID-19 continues to pose a significant public health risk. Other than physical distancing measures, vaccination is the most effective way to prevent COVID-19 hospitalizations and deaths. Fresno EOC must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it continues to provide services and more employees return to the workplace. Unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the workplace, and infected employees risk transmission to the public that depends on Fresno EOC services. For all these reasons, this Policy shall become effective upon the date adopted by the Board of Commissioners as specified below.

This Policy was adopted by Resolution No. ____ of the Fresno EOC Board of Commissioners on October 27, 2021.

FRESNO ECONOMIC OPPORTUNITIES COMMISSION

Request for Accommodation
Based on Sincerely Held Religious Belief, Practice, or Observance

THIS FORM IS FOR OPTIONAL USE BY EMPLOYEES/THOSE WHO HAVE RECEIVED AN OFFER OF EMPLOYMENT (AN "APPLICANT") REQUESTING AN ACCOMMODATION TO A CONDITION OF EMPLOYMENT/EMPLOYMENT REQUIREMENT. THOSE USING THIS FORM SHOULD ATTACH ADDITIONAL PAGES IF ADDITIONAL SPACE IS NEEDED.

Employee/Applicant Name: _____

Job Title: _____

Immediate Supervisor/Interviewer: _____

I _____ request a reasonable accommodation to complying with the following condition of employment/employment requirement:

I believe a reasonable accommodation to this requirement would be:

QUESTIONS:

1) Please describe the nature of your objection to the COVID-19 vaccination requirement.

2) Would complying with the COVID-19 vaccination requirement substantially burden your religious exercise? If so, please explain how.

3) How long have you held the religious belief underlying your objection?

4) Please describe whether, as an adult, you have received any vaccines against any other diseases (such as a flu vaccine or a tetanus vaccine) and, if so, what vaccine you most recently received and when, to the best of your recollection.

5) If you do not have a religious objection to the use of all vaccines, please explain why your objection is limited to particular vaccines.

6) If there are any other medicines or products that you do not use because of the religious belief underlying your objection, please identify them.

7) Please provide any additional information that you think may be helpful in reviewing your request.

I declare that the information I have provided is true and correct to the best of my knowledge and ability.

Employee/Applicant Signature: _____ Date: _____

**THIS SECTION TO BE COMPLETED BY DISTRICT STAFF AUTHORIZED TO EVALUATE
ACCOMMODATION REQUESTS; EVALUATING STAFF SHOULD USE ADDITIONAL PAGES AS NEEDED.**

Name/Title of Person Evaluating Request: _____

EVALUATION

1. Is the employee/applicant requesting an accommodation to an employment requirement?
(Yes or No) _____. If Yes, what employment requirement? _____

2. Is the request based on a sincerely held religious belief, practice, or observance? (Yes or No)
_____. If No, explain why not: _____

3. If the request is based on a sincerely held religious belief, practice, or observance, will
providing the reasonable accommodation requested by the employee impose an undue
hardship on the District? (Yes or No) _____. If Yes, explain why: _____

4. If the request is based on a sincerely held religious belief, practice, or observance, will
providing an alternate reasonable accommodation impose an undue hardship on the
District? (Yes or No) _____. If Yes, explain why: _____

DETERMINATION

1. Are the requested accommodations approved or denied? _____
2. Are alternate accommodations described in 4. above approved or denied? _____

Evaluator Signature: _____ Date: _____

Evaluation and Determination reviewed by (name/title): _____

On: _____ Reviewer Signature: _____

FRESNO ECONOMIC OPPORTUNITIES COMMISSION

Request for a Medical Exemption
from the COVID-19 Vaccination Requirement

***THIS FORM IS FOR OPTIONAL USE BY EMPLOYEES/THOSE WHO HAVE RECEIVED AN OFFER OF
EMPLOYMENT (AN "APPLICANT") REQUESTING AN ACCOMMODATION TO A CONDITION OF
EMPLOYMENT/EMPLOYMENT REQUIREMENT. THOSE USING THIS FORM SHOULD ATTACH
ADDITIONAL PAGES IF ADDITIONAL SPACE IS NEEDED.***

Employee/Applicant Name: _____

Job Title: _____

Immediate Supervisor/Interviewer: _____

I _____ request a reasonable accommodation to complying with
the following condition of employment/employment requirement:

I believe a reasonable accommodation to this requirement would be:

I am requesting a medical exception to the requirement for COVID-19 vaccination or a delay
because of a temporary condition or medical circumstance, summarized as follows (attach a
separate sheet, if necessary):

I declare that the information I have provided is true and correct to the best of my knowledge
and ability.

Employee/Applicant Signature: _____ Date: _____

**THIS SECTION TO BE COMPLETED BY DISTRICT STAFF AUTHORIZED TO EVALUATE
ACCOMMODATION REQUESTS; EVALUATING STAFF SHOULD USE ADDITIONAL PAGES AS NEEDED.**

Name/Title of Person Evaluating Request: _____

EVALUATION

5. Is the employee/applicant requesting an accommodation to an employment requirement?
(Yes or No) _____. If Yes, what employment requirement? _____

6. Is the request based on a justifiable temporary condition or medical circumstance? (Yes or
No) _____. If No, explain why not: _____

7. If the request is based on a justifiable temporary condition or medical circumstance, will
providing the reasonable accommodation or delay requested by the employee impose an
undue hardship on Fresno EOC? (Yes or No) _____. If Yes, explain why: _____

8. If the request is based on a justifiable temporary condition or medical circumstance, will
providing an alternate reasonable accommodation or delay impose an undue hardship on
Fresno EOC? (Yes or No) _____. If Yes, explain why: _____

DETERMINATION

3. Are the requested accommodations approved or denied? _____

4. Are alternate accommodations described in 4. above approved or denied? _____

Evaluator Signature: _____ Date: _____

Evaluation and Determination reviewed by (name/title): _____

On: _____ Reviewer Signature: _____

BYLAWS COMMITTEE
Virtual – Board Effects – Zoom
Thursday, March 18, 2021 at 5:00 PM

MINUTES

1. CALL TO ORDER

Linda Hayes called the meeting to order at 5:02 PM.

2. ROLL CALL

Present: Oliver Baines, Jimi Rodgers, Maiyer Vang, Lisa Nichols, Linda Hayes.

Absent: Catherine Robles, Charles Garabedian.

3. APPROVAL OF FEBRUARY 17, 2021 MEETING MINUTES

February 17, 2021 By-Laws Committee Meeting Minutes

Public Comment: None heard.

Motion by: Rodgers **Second by:** Nichols

Ayes: Jimi Rodgers, Maiyer Vang, Lisa Nichols, Linda Hayes.

Nays: None heard.

4. BYLAWS REVISIONS

Kenneth Price, Legal Counsel, provided an overview of the Bylaws revisions with recommended changes. Upon further review, the Committee decided to schedule an Ad Hoc Committee for further discussion.

The Bylaws Ad Hoc Committee member are Linda Hayes, Oliver Baines, Jimi Rodgers and Charles Garabedian.

Public Comment: None heard.

No action required.

5. OTHER BUSINESS

The next meeting is scheduled on Wednesday, May 19, 2021.

6. PUBLIC COMMENTS

None Heard.

No action required.

7. ADJOURNMENT

**FINANCE COMMITTEE MEETING
Wednesday, August 8, 2021
12:00 p.m.**

MINUTES

1. CALL TO ORDER

Charles Garabedian, Chair, called the meeting to order at 12:18 PM.

2. ROLL CALL

Roll was called and a quorum was established.

| COMMITTEE MEMBERS | PRESENT | STAFF | | |
|----------------------------|---------|--------------------|----------------------|--|
| Charles Garabedian (chair) | ✓ | Jim Rodriguez | Monty Cox | |
| Alysia Bonner | | Steve Warnes | Misty Gattie- Blanco | |
| James Martinez | ✓ | Lucy Yang | | |
| Itzi Robles | ✓ | Cesar Lucio | | |
| | | Emilia Reyes | | |
| | | Michelle Tutunjian | | |
| | | Elionora Vivanco | | |
| | | Troy Sosa | | |

3. APPROVAL OF MINUTES

A. June 14, 2021 Finance Committee Minutes

Public comment: None heard.

Motion by: Martinez **Second by:** Garabedian to approve the June 14, 2021 meeting minutes.

Ayes: Garabedian, Martinez

Abstain: Robles

Nayes: None heard

4. FINANCIAL REPORTS: July 2021

A. Agency Financial Statements

Jim Rodriguez, Chief Financial Officer, presented statement of activities through July 2021. The total revenue was 75,294,293 compare to last year 73,101,734, over \$2 million more this year. Total expenditures, including In Kind through July 2021 was 73,665,967 compared to last year at 71,746,785. The Operating Surplus was 1,628,327. A lot of revenue consolidates is coming from Wells Fargo \$1.5 milling is coming from Access Plus Capital.

Total assets at July 31 were \$64.2 million and Total Liabilities were \$32.3 million. Assets can be thought of as the things that we own and liabilities are the things that we owe. The differences between the two is the fund balance. The fund balance has increased by \$1.8 million since last year.

B. Head Start Financial status report:

Head Start Financial Status Report as of July 2021. Through the 18 months, 89% of the budget is being used. Head start T& TA were not being use as much due to COVID. It prevents from gathering and training that has impacted this budget. Credit card usage is light, for child care, printing, and office supplies for programs. Duration is hardly use due to waiting for Head start to approve on 1303 for a building project. This was just received a few weeks ago therefore, there will be some movement on the fund. Through June 2021, 16% was being used from the budget.

Early Head Start have a total on the Basic budget of \$7,124.444. 87% of the budget is being used very similar to Head Start. T &TA is being use only 17%. Throughout the summer credit card usage is light. Credit card is being used at Target for formula for the program.

Charles Garabedian asked about Office expense of 92% and Interest expense at 99% on the Statement of activities as there is still 5 more months to go. Is that a one-time thing? Jim Rodriguez state that he will provide answer to Garabedian today after some research. Jim state that the Interest expense is due to line of credit in February.

Public comment: None heard.

Motion by: Robles **Second by:** Martinez to accept the Agency and Head Start financial reports presented.

Ayes: Garabedian, Robles, Martinez

Nayes: None heard

5. **Enterprise Vehicle Lease Agreement**

Charles Garabedian said, according to the package, 10 van will be leasing if it passes. Due to van is getting older and much harder to find parts to maintain the vehicle. Jim Rodriguez stated that, they are experiencing a lot of the things that Garabedian mentioned. Rodriguez said that have an old Fleet that is less reliable, less safe, and harder to find the parts. Rodriguez felt that this is a good program. He also mentions about using enterprise vehicle in the past and they have a good system in place. With this, it can help us create an equity with them where we can advise us using the equity toward new leases. The discussion with enterprise is, the longer the wait the longer we will get the vehicle. They have quoted 8-9 month out to get the vehicle. Rodriguez also state that, they would like more clean air vehicles in the future but for now, they needed to be on the contract first. Charles Garabedian mention that is harder to get an approval for electrical car. In the past 6 year no agency was able to buy electrical vehicle. Monty mention that, By American requirement is federal funding and funding that Transit uses is fund by States. With this, they may not have a strict rule.

James Martinez ask if the vehicle will be donating to other organization or how are these vehicles getting dispense? Monty Cox said, they do get calls from organization for donation but they usually keep the cars until it's no longer drivable. Also, with the funding they are using, they will have to go through a competitive procurement. The vehicle is being auction. Usually the vehicle will have to be tow to the auction by the time they are done using the vehicle.

Public comment: none

Motion by: Robles **Second by:** Martinez to accept the Enterprise Vehicle Lease.

Ayes: Garabedian, Martinez, Robles

Nayes: None heard

6. LED Green Light Equipment Leases

A. LED Green Light Equipment Leases

Rodriguez, Chief of Financial presented a two-part project for approval. The first one is the LED light, to places it throughout several offices and building within our agency. This is a term of 84 months for less than half of a million dollars. Second project, is to install several electrical vehicles charging station. There are 10 level II charging station and 2 level III charging station thought the facility.

Garabedian asked, "why are we doing a lease for the lighting?" Garabedian state that there is a fixers of LED light and lightbulb. He also mentions about the LED lightbulb does not last as it stated it should. Jim response is that, it cost half of million to buy them out, if we lease it, we still experience a positive cash load annually. Even after the lease is up, in year 8th and beyond, we would experience great saving about \$80,000 per year and there is a \$1 buyout.

Another question Garabendain have is, about the EV (electrical vehicle) charger on maintenance? Troy Sosa said, the maintenance of the charger is prorated under the 10years warranty agreement. With this we have a 10-year warranty and they are still looking for ways to secure the area from getting vandalizing. Each charging station will have dual options to charge two at a time, with 10 units we will be able charge 20 outlet. The level III, is the highest grade and faster charging station. This will be located in a stricter area with lighting.

Public comment: None.

Motion by: Martinez **Second by:** Robles to accept LED Green Light Equipment Leases

Ayes: Garabedian, Robles, Martinez

Nayes: None heard

7. Non-Competitive Procurement

A. Non- Competitive Procurement

Jim Rodriguez, informed the commissioners about 2 projects. The first one is with Turnkey Construction & Solar to install 6 level II chargers at the Transit yard. They were not only vendor that could expedite the install prior to the June 30th that the funds need to be use by. The second one is with Head Start with the building expansion project with Pacific Gas & Electric Co. As PG&E is the only electrical provider. Garabedian commented, that PG&E doesn't need to be on the procurement.

Public comment: None heard

No action required.

8. Health Insurance Report

A. Health Insurance Report

Steve Warnes, presented the health insurance information through July 31, 2021. The fund balance is \$4.6 million by the end of July 2021 which would cover the 5.2 months of average expenses. The CARES funds have been fully utilized. The total income from January to July is \$7 million; total expenses are \$6.3 million. Health claims paid is the highest expenses with \$920,707 in June and \$578,700 in July. In June we also received stop loss reimbursements of \$271,090. We typically received more stop loss reimbursements in the latter half of the year.

Garabedian asked, "how are staff handling the COVID that is affecting the health insurance?" Warnes said we have not seen a large increase in claims paid over previous years. Other factors may be keeping claims paid down. In January and February was at 54 thousand that is COVID related and we can track that with the health care provider. Emilia Reyes added, that CARES contingency has about half of a million for back up.

Public comment: None heard

No action required.

9. Investment Report

B. Investment Report

Steven Warnes shows a report balance in the account as of June 30th. The total is a little over \$4 million. There is an increase of cash and short terms CD. Will be meeting with our Wells Fargo advisor to review the investments and rates of return that are available to us. Interest rates in the market have remain very low.

Public comment: None heard

No action required.

10. Variance Report

A. Access Plus Capital

The net surplus is at \$3,169,130. They are trying to get more staff. There grant is from Wells Fargo for \$1.5 million and another grant for \$1.8 million. So far, this program is doing a great job.

B. Sanctuary and Support Services

Sanctuary is doing a great job by keeping it under the budget. The funding period is form April 2021- March 2021. Budgeted revenue is \$476,190 with the expenses of \$120,901 or 30\$ of the budget. The project is 33% complete.

Public comment: None heard

No action required.

Other Business

- Next meeting: Wednesday, October 13, 2021 @ 12:00pm

ADJOURNMENT

Garabedian adjourned meeting at 12:58PM.

Respectfully submitted,

Charles Garabedian, Chair



BOARD OF COMMISSIONERS MEETING

| | |
|-----------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Finance |
| Agenda Item #: 12B2 | Director: N/A |
| Subject: Financial Reports | Officer: Jim Rodriguez |

Recommended Action

The Finance Committee recommends approval for full Board consideration of the interim consolidated financial statements as of Year-to-Date August 2021 as well as approval of the financial status report for the Head Start 0-5 program as of Year-to-Date August 2021.

Background

In accordance with the Agency's bylaws, the Finance Committee shall advise in the preparation and administration of the operating budget and oversee the administration, collection, and disbursement of the financial resources of the organization. Additionally, the Treasurer is to ensure the commissioners understand the financial situation of the organization, which includes ensuring that financial statements for each month are available for each meeting of the Board of Commissioners. Monthly financials for Fresno EOC (consolidated) and for Head Start are provided for review and acceptance.

Fiscal Impact

(A) Agency Statement of Activities and Statement of Financial Position:

As of August 31, 2021, the Agency had preliminary revenue of \$84,560,498 million, including \$20 million of in-kind contributions, and net operating gain of \$523,931. In comparison, the Agency had revenue of \$81,842,008 million including in-kind of \$22 million as of the corresponding period of the preceding year.

(B) Head Start 0-5 Financial Status Report as of Year-to-Date August 31, 2021. Months January 2021 to June 2021 budget and actuals from the previous contract are combined with July 2021 to August 2021 from the new Head Start contract actuals and budget to provide an eight-month financial report of program operations. This also represented in the following percentages.

(C)

| Program Area | % of budget | Notes |
|-----------------------------------------------------|--------------------|------------------------------------------------------------------------------------------------------|
| Head Start – Basic | 45% | Personnel is underspent due to unfilled positions and a workforce re-organization beginning in July. |
| Head Start – Training & Technical Assistance (T&TA) | 33% | COVID impacted planned training. |

| Program Area | % of budget | Notes |
|--------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Duration | 12% | Funds are underspent due to due to the delay of the project approval from HHS. These funds are earmarked for the Clinton/Blythe modular building project. Approval for this project was received last week. Project activities will commence in coming weeks. Fees and permit delays in the installation of the Dakota Circle modular building. |
| Early Head Start – Basic | 36% | Personnel is underspent due to unfilled positions and a workforce re-organization beginning in July. |
| Early Head Start – T&TA | 6% | COVID impacted planned training. |

Conclusion

Acceptance of these financials by the Board documents the Board's oversight over the financial operations of Fresno EOC. This is part of the Board's fiduciary duty.

FRESNO ECONOMIC OPPORTUNITIES COMMISSION
STATEMENT OF ACTIVITIES
For The Eighth Month Period Ended August 31, 2021 and 2020

| | A | B | A - B | C | D | B - D |
|------------------------------------|--------------------------------------|-----------------------------------|-----------------------------------------|--------------------------------------|-----------------------------------|------------------------------------------------|
| | BUDGET JAN - DEC 2020 | ACTUAL AUGUST 2021 | BUDGET BALANCE REMAINING | ACTUAL JAN - DEC 2020 | ACTUAL AUGUST 2020 | ACTUAL 2021 vs 2020 Differences |
| REVENUES AND SUPPORT | | | | | | |
| GRANT REVENUE | \$ 82,029,680 | \$ 48,298,692 59% | \$ 33,730,988 | 73,880,314 | \$ 45,586,122 | 2,712,570 |
| GRANT REVENUE - LENDING CAPITAL | - | - | - | 438,674 | - | - |
| CHARGES FOR SERVICES | 16,426,275 | 12,855,065 78% | 3,571,210 | 17,473,531 | 11,151,394 | 1,703,671 |
| OTHER PROGRAM REVENUE | 3,536,400 | 1,793,157 51% | 1,743,243 | 3,147,836 | 2,294,655 | (501,499) |
| CONTRIBUTIONS | 69,685 | 234,420 336% | (164,735) | 187,423 | 137,491 | 96,929 |
| MISCELLANEOUS INCOME | 219,265 | 153,289 70% | 65,976 | 319,067 | 70,429 | 82,859 |
| INTEREST & INVESTMENT INCOME | 96,000 | 45,422 47% | 50,578 | 138,432 | 66,726 | (21,304) |
| AFFILIATE INTEREST INCOME | 977,720 | 719,394 74% | 258,326 | 938,448 | 619,693 | 99,701 |
| RENTAL INCOME | 1,256,595 | 165,456 13% | 1,091,139 | 1,284,203 | 851,499 | (686,043) |
| TOTAL CASH REVENUE | \$ 104,611,620 | \$ 64,264,894 61% | \$ 40,346,726 | \$ 97,807,928 | \$ 60,778,009 | 3,486,885 |
| IN KIND REVENUE | \$ 32,991,055 | \$ 20,295,604 62% | \$ 12,695,451 | 22,057,737 | \$ 22,118,357 | (1,822,753) |
| TOTAL REVENUE & SUPPORT | 137,602,675 | 84,560,498 61% | 53,042,177 | 119,865,666 | 82,896,366 | 1,664,132 |
| EXPENDITURES | | | | | | |
| PERSONNEL COSTS | \$ 66,198,180 | \$ 40,686,838 61% | \$25,511,342 | 59,374,528 | \$ 39,151,331 | 1,535,508 |
| ADMIN SERVICES | 5,810,400 | 3,568,074 61% | 2,242,326 | 4,977,874 | 3,034,016 | 534,058 |
| PROFESSIONAL SERVICES - AUDIT | 103,915 | 44,698 43% | 59,217 | 83,844 | 59,948 | (15,250) |
| CONTRACT SERVICES | 11,712,675 | 5,432,849 46% | 6,279,826 | 6,078,354 | 4,779,342 | 653,506 |
| FACILITY COSTS | 5,345,730 | 3,594,983 67% | 1,750,747 | 5,646,226 | 3,743,982 | (148,999) |
| TRAVEL, MILEAGE, VEHICLE COSTS | 2,691,175 | 1,251,550 47% | 1,439,625 | 1,550,013 | 1,141,651 | 109,898 |
| EQUIPMENT COSTS | 1,717,700 | 796,477 46% | 921,223 | 1,163,027 | 656,346 | 140,132 |
| DEPRECIATION - AGENCY FUNDED | 345,000 | 186,311 54% | 158,689 | 361,861 | 241,787 | (55,475) |
| OFFICE EXPENSE | 1,717,700 | 1,857,205 108% | (139,505) | 3,551,960 | 1,551,425 | 305,780 |
| INSURANCE | 804,060 | 505,177 63% | 298,883 | 736,437 | 484,495 | 20,682 |
| PROGRAM SUPPLIES & CLIENT COSTS | 7,625,880 | 5,327,925 70% | 2,297,955 | 8,310,778 | 4,703,769 | 624,155 |
| INTEREST EXPENSE | 145,275 | 154,615 106% | (9,340) | 209,247 | 126,714 | 27,902 |
| OTHER COSTS | 234,030 | 149,737 64% | 84,293 | 438,275 | 48,846 | 100,891 |
| TOTAL CASH EXPENDITURES | \$ 104,451,720 | \$ 63,556,437 61% | \$ 40,895,282 | 92,482,424 | \$ 59,723,651 | 3,832,786 |
| IN KIND EXPENSES | \$ 32,991,055 | \$ 20,295,604 62% | \$ 12,695,451 | \$ 22,057,737 | \$ 22,118,357 | (1,822,753) |
| TOTAL EXPENDITURES | 137,442,775 | 83,852,041 61% | 53,590,734 | 114,540,161 | 81,842,008 | 2,010,033 |
| OPERATING SURPLUS (DEFICIT) | \$ 159,901 | \$ 708,457 | \$ (548,556) | \$ 5,325,505 | \$ 1,054,358 | (345,901) |
| OTHER INCOME / EXPENSE | | | | | | |
| TRANSIT GRANT ASSET DEPRECIATION | | 184,526 | (184,526) | 366,531 | 262,906 | (78,380) |
| NET SURPLUS (DEFICIT) | \$ 159,901 | \$523,931 | (364,031) | \$ 4,958,974 | \$ 791,452 | (267,521) |

FRESNO ECONOMIC OPPORTUNITIES COMMISSION
STATEMENT OF FINANCIAL POSITION
As of August 31, 2021

| | 2021 | 2020 | Differences |
|-------------------------------------------|----------------------|----------------------|----------------------|
| ASSETS | | | |
| CASH & INVESTMENTS | \$ 17,675,070 | \$ 13,873,041 | \$ 3,802,028 |
| ACCOUNTS RECEIVABLE | 19,372,374 | 11,288,004 | 8,084,369 |
| PREPAIDS/DEPOSITS | 273,366 | 215,519 | 57,847 |
| INVENTORIES | 147,393 | 182,708 | (35,315) |
| PROPERTY, PLANT & EQUIPMENT | 13,240,142 | 14,097,999 | (857,857) |
| NOTES RECEIVABLE (net) | 16,159,285 | 15,039,124 | 1,120,161 |
| TOTAL ASSETS | \$ 66,867,629 | \$ 54,696,396 | \$ 12,171,233 |
| LIABILITIES | | | |
| ACCOUNTS PAYABLE | \$ 4,318,881 | \$ 2,018,453 | \$ 2,300,428 |
| ACCRUED PAYROLL LIABILITIES | 4,114,048 | 3,941,680 | 172,368 |
| DEFERRED REVENUE | 3,795,750 | 1,091,693 | 2,704,057 |
| NOTES PAYABLE | 15,153,027 | 12,733,494 | 2,419,533 |
| HEALTH INSURANCE RESERVE | 4,832,447 | 3,250,558 | 1,581,889 |
| OTHER LIABILITIES | 3,735,805 | 2,295,127 | 1,440,678 |
| TOTAL LIABILITIES | \$ 35,949,956 | \$ 25,331,006 | \$ 10,618,951 |
| FUND BALANCE | | | |
| CURRENT OPERATING EARNINGS (YTD) | \$ 708,457 | \$ 1,054,358 | \$ (345,901) |
| UNRESTRICTED NET ASSETS | 13,471,350 | 15,047,687 | (1,576,337) |
| REVOLVING LOAN FUND | 6,971,390 | 2,788,197 | 4,183,193 |
| INVESTMENT IN GENERAL FIXED ASSETS | 9,766,477 | 10,475,149 | (708,672) |
| TOTAL FUND BALANCE | \$ 30,917,673 | \$ 29,365,391 | \$ 1,552,282 |
| TOTAL LIABILITIES AND FUND BALANCE | \$ 66,867,629 | \$ 54,696,396 | \$ 12,171,233 |

Fresno Economic Opportunities Commission
Head Start/Early Head Start Financial Status
Monthly Report
August 31, 2021

| Description | Head Start - Basic | | | | Head Start - T & TA | | | |
|---------------------------------------|---------------------|--------------------|--------------------|---------------------|---------------------|------------------|------------------|-------------------|
| | Annual Budget | Current Expenses | YTD Expenses | Balance Remaining | Annual Budget | Current Expenses | YTD Expenses | Balance Remaining |
| Personnel | \$24,831,181 | \$986,198 | \$10,892,978 | \$13,938,203 | | | | |
| Fringe Benefits | 9,952,722 | 442,495 | 5,017,594 | 4,935,128 | | | | |
| Total Personnel | 34,783,903 | \$1,428,693 | 15,910,572 | 18,873,331 | | | | |
| Travel | 8,233 | - | - | 8,233 | - | - | - | - |
| Equipment* | - | - | - | - | - | - | - | - |
| Supplies | 1,365,864 | 44,327 | 164,815 | 1,201,049 | 43,156 | 12,805 | 70,580 | (27,424) |
| Contractual | 1,829,846 | 84,876 | 912,164 | 917,682 | 468 | - | - | 468 |
| Facilities /Construction | | | | | | | | |
| Other: | | | | | | | | |
| Food Cost | 1,187,287 | 212,849 | 317,235 | 870,052 | | | | |
| Transportation | 692,199 | 151,501 | 556,017 | 136,182 | | | | |
| Staff Mileage | 214,831 | 886 | 100,608 | 114,223 | | | | |
| Field Trips, including Transportation | 27,689 | - | 198 | 27,491 | | | | |
| Space | 735,927 | 57,851 | 346,265 | 389,662 | | | | |
| Utilities / Telephone / Internet | 676,423 | 92,937 | 447,843 | 228,580 | | | | |
| Publication/Advertising/Printing | 56,057 | - | 7,294 | 48,763 | | | | |
| Repair/Maintenance Building | 672,893 | 5,689 | 296,654 | 376,238 | | | | |
| Repair/Maintenance Equipment | 78,225 | 11,173 | 130,659 | (52,434) | | | | |
| Property & Liability Insurance | 169,843 | 12,415 | 99,907 | 69,935 | | | | |
| Parent Involvement / CWPC | 84,788 | - | 3,787 | 81,001 | | | | |
| Other Costs* | 114,600 | (560) | 74,114 | 40,486 | | | | |
| Staff & Parent Training | | | | | 360,961 | 2,928 | 58,570 | 302,391 |
| Total Direct Charges | \$42,698,605 | \$2,102,637 | 19,368,132 | \$23,330,473 | \$404,585 | 15,733 | 129,150 | \$275,435 |
| Total Indirect Charges | \$3,969,194 | \$189,238 | \$1,743,132 | \$2,226,062 | \$27,228 | \$1,416 | \$11,624 | \$15,604 |
| Total Federal Expenditures | \$46,667,799 | \$2,291,875 | 21,111,264 | \$25,556,535 | \$431,813 | 17,149 | \$140,774 | \$291,039 |
| % of Annual Budget Expended to Date | | | 45% | | | | 33% | |
| Non-Federal Share | \$11,176,017 | \$572,969 | \$2,443,466 | \$8,732,551 | \$107,953 | \$4,287 | \$35,194 | \$72,759 |

Credit Card Expenses: Credit card statement dated 8/1/2021 - 8/31/2021
August 2021 expenses

| | | | |
|------------------------------------------|----|-------|-------------------------------------------------------------------------|
| Staff Training (Including meeting costs) | \$ | 22 | Amazon - staff training |
| Staff Training (Including meeting costs) | \$ | 275 | Teachstone - training |
| Staff Training (Including meeting costs) | \$ | 625 | Caesars Palace - hotel, ChildPlus training |
| Staff Training (Including meeting costs) | \$ | 4,126 | Childplus registration |
| Staff Training (Including meeting costs) | \$ | 392 | Southwest Airlines - airfare, ChildPlus training |
| Staff Training (Including meeting costs) | \$ | 355 | Party city - training supplies - balloons |
| Child Care | \$ | 590 | Costco; Bettymills.com - baby wipes, paper exam table crepe |
| Subscription | \$ | 90 | Zoom - subscription |
| Office Supplies | \$ | 129 | Office Depot - combs 50 packs |
| Program Supplies - Classroom | \$ | 713 | Amazon; Target - Philips bluetooth; miscellaneous disabilities supplies |
| Program Supplies - Disposables | \$ | 290 | Costco - diapers |
| Contract Services-Facility repair | \$ | 230 | Azuga - vehicle tracking maintenance |
| | \$ | 7,835 | |

Fresno Economic Opportunities Commission
Head Start/Early Head Start Financial Status
Monthly Report
August 31, 2021

| Description | Head Start - Duration Start-Up/Operations | | | |
|---------------------------------------|-------------------------------------------|------------------|------------------|--------------------|
| | Annual Budget | Current Expenses | YTD Expenses | Balance Remaining |
| Personnel | \$0 | - | - | \$0 |
| Fringe Benefits | - | - | - | - |
| Total Personnel | \$0 | \$0 | \$0 | \$0 |
| Travel | - | - | - | - |
| Equipment* | 94,000 | - | - | 94,000 |
| Supplies | 366,376 | - | 4,380 | 361,996 |
| Contractual | 429,400 | 32,992 | 220,206 | 209,194 |
| Facilities /Construction | 1,057,160 | - | - | 1,057,160 |
| Other: | | | | |
| Food Cost | - | - | - | - |
| Transportation | - | - | - | - |
| Staff Mileage | - | - | - | - |
| Field Trips, including Transportation | - | - | - | - |
| Space | - | - | - | - |
| Utilities / Telephone / Internet | - | - | - | - |
| Publication/Advertising/Printing | - | - | - | - |
| Repair/Maintenance Building | - | - | - | - |
| Repair/Maintenance Equipment | - | - | - | - |
| Property & Liability Insurance | - | - | - | - |
| Parent Involvement / CWPC | - | - | - | - |
| Other Costs* | 54,700 | 11,075 | 23,075 | 31,625 |
| Staff & Parent Training | - | - | - | - |
| Total Direct Charges | 2,001,636 | \$44,067 | \$247,661 | \$1,753,975 |
| Total Indirect Charges | \$0 | \$0 | \$0 | \$0 |
| Total Federal Expenditures | \$2,001,636 | \$44,067 | \$247,661 | \$1,753,975 |
| % of Annual Budget Expended to Date | | | 12% | |
| Non-Federal Share | - | - | - | - |

Fresno Economic Opportunities Commission
Head Start/Early Head Start Financial Status
Monthly Report
August 31, 2021

| Description | Early Head Start - Basic | | | | Early Head Start - T & TA | | | |
|---------------------------------------|--------------------------|------------------|--------------------|--------------------|---------------------------|------------------|----------------|-------------------|
| | Annual Budget | Current Expenses | YTD Expenses | Balance Remaining | Annual Budget | Current Expenses | YTD Expenses | Balance Remaining |
| Personnel | \$4,218,984 | \$135,729 | \$1,718,353 | \$2,500,631 | \$22,357 | \$24 | \$24 | \$22,333 |
| Fringe Benefits | 1,149,877 | 47,284 | 599,850 | 550,027 | 5,804 | 3 | 3 | 5,801 |
| Total Personnel | 5,368,861 | 183,014 | 2,318,203 | 3,050,658 | 28,161 | 27 | 27 | 28,134 |
| Travel | - | - | - | - | 8,449 | - | - | 8,449 |
| Equipment* | - | - | - | - | - | - | - | - |
| Supplies | 322,870 | 2,245 | 41,648 | 281,222 | 10,337 | - | - | 10,337 |
| Contractual | 602,898 | 7,878 | 87,001 | 515,897 | 18,827 | 7 | 7 | 18,820 |
| Facilities /Construction | 308,000 | - | - | 308,000 | | | | |
| Other: | | | | | | | | |
| Food Cost | 69,097 | 1,144 | 10,139 | 58,957 | | | | |
| Transportation | 7,297 | 349 | 4,110 | 3,187 | | | | |
| Staff Mileage | 53,840 | 1,505 | 7,640 | 46,200 | | | | |
| Field Trips, including Transportation | 865 | - | - | 865 | | | | |
| Space | 197,501 | 5,266 | 41,756 | 155,745 | | | | |
| Utilities / Telephone / Internet | 109,859 | 7,684 | 58,353 | 51,506 | | | | |
| Publication/Advertising/Printing | 15,320 | - | 29 | 15,292 | | | | |
| Repair/Maintenance Building | 129,258 | 48 | 9,120 | 120,138 | | | | |
| Repair/Maintenance Equipment | 10,475 | 14 | 4,408 | 6,067 | | | | |
| Property & Liability Insurance | 34,107 | 1,965 | 14,286 | 19,821 | | | | |
| Parent Involvement / CWPC | 7,327 | - | 1,172 | 6,155 | | | | |
| Other Costs* | 51,737 | 1,578 | 13,733 | 38,004 | | | | |
| Staff & Parent Training | | | | | 91,326 | 1,987 | 8,425 | 82,901 |
| Total Direct Charges | \$7,289,310 | 212,689 | 2,611,598 | \$4,677,712 | \$157,100 | \$2,021 | \$8,459 | \$148,641 |
| Total Indirect Charges | \$527,177 | \$19,142 | \$235,044 | \$292,133 | \$9,778 | \$182 | \$761 | \$9,017 |
| Total Federal Expenditures | \$7,816,487 | 231,831 | \$2,846,642 | \$4,969,845 | \$166,878 | \$2,203 | \$9,220 | \$157,658 |
| % of Annual Budget Expended to Date | | | 36% | | | | 6% | |
| Non-Federal Share | \$1,954,122 | \$57,958 | \$711,661 | \$1,242,461 | \$41,719 | \$551 | \$2,305 | \$39,415 |

Credit Card Expenses: Credit card statement dated 8/1/2021 - 8/31/2021
August 2021 expenses

| | | | |
|-----------------------------------|----|-------|-----------------------------------------|
| Staff Training | \$ | 1,037 | Expedia - airfare & hotel |
| Staff Training | \$ | 5 | Amazon - staff training supplies |
| Staff Training | \$ | 78 | Party City - training supplies balloons |
| Conference Fees- Non travel | \$ | 780 | TTAS - coference registration fees |
| Contract Services-Facility repair | \$ | 23 | Azuga - vehicle tracking maintenance |

\$ 1,923



BOARD OF COMMISSIONERS MEETING

| | |
|------------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Finance |
| Agenda Item #: 12B3 | Director: N/A |
| Subject: Stop Loss Coverage | Officer: Jim Rodriguez |

Recommended Action

The Finance Committee recommends approval for full Board consideration to obtain stop-loss insurance for our health and welfare plan with Voya.

Background

Fresno EOC's self-funded Health and Welfare Plan requires stop-loss insurance coverage to pay claims that exceed a certain large dollar amount to prevent adverse effects to the stability of the entire plan. The stop-loss deductible is structured so that any claims over the deductible will be paid by the stop-loss carrier, not the Plan.

| Coverage History | 2022 | 2021 | 2020 | 2019 | 2018 |
|-------------------------|-------------|-------------|-------------|-------------|-------------|
| Premiums | \$1,023,301 | \$1,086,991 | \$1,252,052 | \$1,040,709 | \$852,925 |
| Deductible | \$200,000 | \$200,000 | \$175,000 | \$175,000 | \$175,000 |

At the deductible of \$200,000 per claimant (unchanged from the current level) the estimated premium will be \$1,023,301. This represents a 5% decrease from the current year proposed cost, due in large part to the reduced enrollment. Policy will be effective January 1, 2022.

Fiscal Impact

Alliant Employee Benefits marketed our plan to multiple carriers. New carriers are unwilling to take on the risk of our plan without imposing a number of lasers, which would significantly increase the risk to the Plan for large individual claims. A laser is the practice of assigning a higher deductible for an individual with a known condition that is likely to exceed the policy deductible.

| Quotes received | Voya | Berkshire | HCC | QBE |
|------------------------|-------------|------------------|------------|------------|
| Initial Quote | \$1,072,898 | \$998,308 | \$985,457 | \$925,925 |
| Updated Quote | \$1,023,301 | Withdrawn | Withdrawn | Withdrawn |

These estimated annual premiums are based on enrollment at the time the quotes were obtained; the actual monthly premium paid will fluctuate with enrollment changes. The cost of this insurance will be paid by contributions to the Plan from the programs and employees. The Board (through the HR committee) approved rate increases for programs and employees for 2022 at last month's meeting.

Conclusion

If approved by the full Board at the October 27th Commission Meeting, next steps Upon Board approval, we will have the policy bound.

Fresno Economic Opportunitites Commission

Stop Loss Renewal Options

| Specific & Aggregate Premium | Current | Renewal (Initial) | Renewal (Negotiated) | Renewal (Option 1) | Option 1 | Option 2 |
|--------------------------------------------------|--------------|-------------------|----------------------|--------------------|----------------------------|--------------|
| Vendor | Voya | Voya | Voya | Voya | Pinnacle RMS | Pinnacle RMS |
| Individual Stop Loss | | | | | | |
| Line(s) of Coverage | Med & Rx | Med & Rx | Med & Rx | Med & Rx | Med & Rx | Med & Rx |
| Contract Type | 24/12 | 36/12 | 36/12 | 36/12 | 24/12 | 24/12 |
| Annual Maximum | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited | Unlimited |
| Terminals | Not included | Not included | Not included | Not included | Not included | Not included |
| Individual Stop Loss Level | \$175,000 | \$175,000 | \$175,000 | \$200,000 | \$175,000 | \$190,000 |
| Aggregating Specific Deductible | None | None | None | None | None | None |
| Lasers: | None | None | None | None | None | None |
| Rates | | | NNL + 55% rate cap | NNL + 55% rate cap | | |
| Individual Stop Loss Fees: # EEs | | | | | | |
| Employee Only 359 | \$59.62 | \$70.69 | \$66.62 | \$57.04 | \$53.34 | \$48.78 |
| Employee & Family 481 | \$151.53 | \$175.78 | \$165.66 | \$141.61 | \$172.54 | \$158.49 |
| Aggregate Stop Loss Fees: | | | | | | |
| Composite 840 | \$2.20 | \$2.31 | \$2.20 | \$2.37 | \$2.19 | \$2.33 |
| Total Annual Premium Combined | \$1,153,650 | \$1,342,419 | \$1,265,364 | \$1,086,991 | \$1,247,765 | \$1,148,435 |
| Annual Increase/(decrease) - \$ | n/a | 188,769 | 111,714 | (66,659) | 94,115 | (5,215) |
| Annual Increase/(decrease) - % | n/a | 16.36% | 9.68% | -5.78% | 8.16% | -0.45% |
| Adjustment to modify the Deductible (by carrier) | n/a | n/a | n/a | (178,374) | n/a | (99,330) |
| # of Claims Covered by Premium Adjustment | n/a | n/a | n/a | 7 | n/a | 7 |
| Disclosure Status | n/a | n/a | FIRM thru 11/25 | FIRM thru 11/25 | Requires Oct Claims Review | |

| Maximum Aggregate Claims Liability | | | | | | |
|-----------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Aggregate Stop Loss: | Voya | Voya | Voya | Voya | Pinnacle RMS | Pinnacle RMS |
| Line(s) of Coverage | Med & Rx | Med & Rx | Med & Rx | Med & Rx | Med & Rx | Med & Rx |
| Contract Type | 24/12 | 36/12 | 36/12 | 36/12 | 24/12 | 24/12 |
| Maximum Reimbursement | \$1 million | \$1 million | \$1 million | \$1 million | \$1 million | \$1 million |
| Run-In Limited to | n/a | n/a | n/a | n/a | \$243,300 | \$226,200 |
| Terminals | Not included | Not included | Not included | Not included | Not included | Not included |
| Margin (Percentage of Expected Claims) | 125% | 125% | 125% | 125% | 125% | 125% |
| Employee Only 359 | \$645.73 | \$709.11 | \$663.82 | \$668.08 | \$590.87 | \$595.82 |
| Employee & Family 481 | \$1,527.74 | \$1,672.84 | \$1,566.00 | \$1,576.04 | \$1,510.87 | \$1,523.47 |
| 840 | | | | | | |
| Total Annual Aggregate Claims Liability | \$11,599,920 | \$12,710,478 | \$11,898,689 | \$11,974,992 | \$11,266,210 | \$11,360,261 |
| Annual Increase/(decrease) - \$ | n/a | 1,110,558 | 298,768 | 375,071 | (333,711) | (239,659) |
| Annual Increase/(decrease) - % | n/a | 9.57% | 2.58% | 3.23% | -2.88% | -2.07% |

| Combined Annual Maximum | | | | | | |
|-----------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Aggregate Claims Liability & Fixed Cost | \$13,341,688 | \$14,662,257 | \$13,773,413 | \$13,671,342 | \$13,123,334 | \$13,118,056 |
| Annual Increase/(decrease) - \$ | n/a | \$1,320,570 | \$431,725 | \$329,654 | -\$218,354 | -\$223,632 |
| Annual Increase/(decrease) - % | n/a | 9.9% | 3.2% | 2.5% | -1.6% | -1.7% |

| Transplant Carve Out | Current | Renewal |
|---------------------------------|-------------------|----------|
| Vendor | Swiss Re | |
| Line(s) of Coverage | Organ Transplants | |
| Contract Type | See Contract | |
| Annual Maximum | Unlimited | |
| Terminals | Unlimited | |
| Individual Stop Loss Level | \$0 | |
| Rates | Current | Renewal |
| Employee | \$9.33 | \$10.45 |
| Employee & Family | \$23.32 | \$26.14 |
| Total Annual Premium | \$53,853 | \$60,317 |
| Annual Increase/(decrease) - \$ | n/a | 6,465 |
| Annual Increase/(decrease) - % | n/a | 12.00% |

** Terminating the OT policy would result in a 6-7% load to the Voya SL rates (Approx. +\$74k to renewal rates)

CURRENT RISK EXPOSURE : Disclosure reporting currently shows 1 potential transplant & 1 initiated transplant notification.

underwriter will waive the run-in limit on the aggregate coverage after receiving a favorable claims report at disclosure time.

BOARD OF COMMISSIONERS MEETING

| | |
|----------------------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Finance |
| Agenda Item #: 12B4 | Director: N/A |
| Subject: Non-Competitive Procurements | Officer: Jim Rodriguez |

Background

The information presented below is intended to keep the Committee apprised on any procurements made through a non-competitive procurement process.

In accordance with the Accounting Policies and Procedures Manual, Noncompetitive Procurements are “special purchasing circumstances, in which competitive bids are not obtained. Noncompetitive procurement (purchases and contracts) are only permissible in the following circumstances (2 CFR 200.320 [f]):

- An emergency exists that does not permit delay,
- Only one source of supply is available,
- If the awarding agency expressly authorizes noncompetitive proposals in response to a written request from the Agency,
- Or after solicitation of a number of sources, competition is determined to be inadequate.

The key requirement for the use of noncompetitive procurement is that the other methods of procurement are not feasible and one of the above circumstances exists.” A report on the non-competitive procurement awards is to be made to the Board of Commissioners.

| Vendor | Purpose | Amount | Justification |
|---------------------------|---------|--------|---------------|
| None to report this month | | | |



BOARD OF COMMISSIONERS MEETING

| | |
|-----------------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Finance |
| Agenda Item #: 12B5 | Director: N/A |
| Subject: Health Insurance Report | Officer: Jim Rodriguez |

Background

The information presented below is intended to keep the Committee apprised on the financial status of the Agency's self-funded health insurance plan.

As of August 31, 2021, the health insurance reserve is at \$4.8 million, which covers approximately 5.5 months of average expenditures. To date, contributions from programs and employees for 2021 total \$7,906,356 while the Fund paid out \$7,065,363 in expenses. COVID-related claims costs funded by our CSBG CARES grant, total \$116,291. This budgeted amount has been fully utilized.

Changes to the health insurance plan in 2020 through 2022 include:

- Effective January 2020: 4% overall increase in Employer premiums and 22% overall increase in Employee premiums. Wellness plan now has the same annual deductible but will have a 25% discounted employee premium. The employee + child and employee + children tiers were consolidated.
- Effective January 2021: 6% increase in Employer premiums and an average 16% increase to Employee premiums.
- Effective January 2022: Add tele-health service and 1% increase in Employer premiums and an average 8% increase to Employee premiums.
- Below table presents a sample of the 2021 monthly health insurance premium tier rates. Rates vary depending on the type of coverage selected.

| | Agency | Employee (Wellness Incentive) | Total Premium |
|----------------------|----------|-------------------------------------|---------------|
| Employee(EE) Only | \$ 594 | \$ 108 | \$ 702 |
| EE +Child(ren) | \$ 1,074 | \$ 192 | \$ 1,266 |
| EE + Family | \$ 1,428 | \$ 258 | \$ 1,686 |
| EE + Spouse | \$ 1,194 | \$ 210 | \$ 1,404 |

FRESNO EOC
HEALTH INSURANCE FUND REPORT
 THROUGH AUGUST 31, 2021

| | 2021 | | | | | | | | 2020 | | | | |
|------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-------------------|----------------|
| | January | February | March | April | May | June | July | August | YTD totals | Mo. Avg. | YTD totals | Annual | Annual Mo. |
| | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Jan - Aug | Prev 12 mos | Jan - Aug | Jan - Dec | Jan - Dec |
| Beginning Fund Balance | 3,991,455 | 4,258,187 | 4,659,792 | 4,938,787 | 4,828,846 | 4,834,254 | 4,819,499 | 4,620,766 | | | | | |
| Income | | | | | | | | | | | | | |
| Agency Contributions | 868,403 | 858,194 | 852,325 | 847,093 | 842,960 | 870,509 | 611,667 | 755,946 | 6,507,097 | 833,042 | 6,570,531 | 10,059,937 | 838,328 |
| Additional Agency Contr. | 51,529 | 64,762 | - | - | - | - | - | - | 116,291 | 16,478 | 226 | 65,197 | 5,433 |
| Employee Contributions | 283,963 | 176,373 | 181,307 | 94,977 | 187,274 | 98,212 | 131,833 | 129,029 | 1,282,968 | 155,271 | 1,175,531 | 1,755,815 | 146,318 |
| Total Income | 1,203,895 | 1,099,329 | 1,033,632 | 942,070 | 1,030,234 | 968,721 | 743,500 | 884,975 | 7,906,356 | 1,004,791 | 7,746,288 | 11,880,949 | 990,079 |
| Expenses | | | | | | | | | | | | | |
| Health Claims Paid | 500,161 | 302,551 | 362,387 | 686,188 | 616,262 | 920,707 | 578,700 | 415,044 | 4,382,000 | 539,055 | 4,077,339 | 6,164,003 | 513,667 |
| Dental Claims Paid | 65,934 | 67,225 | 51,751 | 50,080 | 72,754 | 52,746 | 57,765 | 70,902 | 489,157 | 57,715 | 343,202 | 546,628 | 45,552 |
| Prescriptions Paid | 210,323 | 158,769 | 169,885 | 143,418 | 169,456 | 114,954 | 154,172 | 160,965 | 1,281,942 | 149,958 | 1,465,266 | 1,982,823 | 165,235 |
| Vision Claims Paid | 12,742 | 9,468 | 7,580 | 14,869 | 10,131 | 9,664 | 8,010 | 9,669 | 82,133 | 9,780 | 62,734 | 97,955 | 8,163 |
| Stop Loss Premiums | 89,987 | 101,367 | 106,729 | 103,446 | 101,789 | 103,240 | 95,787 | 97,630 | 799,975 | 104,131 | 912,414 | 1,362,007 | 113,501 |
| Stop Loss Claims | 0 | 0 | 0 | 0 | 0 | (271,090) | (3,119) | (130,662) | (404,871) | (44,082) | (69,628) | (193,741) | (16,145) |
| Life Insurance Premiums | 14,000 | 13,799 | 13,676 | 13,548 | 13,654 | 13,056 | 12,346 | 12,064 | 106,143 | 13,551 | 116,939 | 173,408 | 14,451 |
| Pinnacle | 14,462 | 14,514 | 14,393 | 14,410 | 14,324 | 14,306 | 13,579 | 13,198 | 113,186 | 14,224 | 119,006 | 176,507 | 14,709 |
| Blue Cross | 14,970 | 14,933 | 14,822 | 14,840 | 14,747 | 14,728 | 13,984 | 13,555 | 116,579 | 14,751 | 123,826 | 184,255 | 15,355 |
| Benefits Consultant | 6,917 | 6,917 | 6,917 | 6,917 | 6,917 | 6,917 | 6,917 | 6,917 | 55,336 | 7,201 | 61,904 | 92,979 | 7,748 |
| Employee Assist. Program | 1,877 | 1,877 | 1,877 | 1,877 | 1,877 | 1,877 | 1,877 | 1,877 | 15,016 | 1,877 | 15,012 | 22,518 | 1,877 |
| Preferred Chiropractors | 1,005 | 1,003 | 995 | 996 | 990 | 989 | 939 | 910 | 7,827 | 905 | 6,262 | 9,299 | 775 |
| Other Expenses | 4,785 | 5,300 | 3,625 | 1,422 | 1,925 | 1,382 | 1,276 | 1,225 | 20,940 | 2,225 | 14,210 | 19,976 | 1,665 |
| ACA Fees | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5,220 | 5,220 | 435 |
| Total Expenses | 937,163 | 697,723 | 754,637 | 1,052,011 | 1,024,826 | 983,476 | 942,233 | 673,294 | 7,065,363 | 871,291 | 7,253,705 | 10,643,836 | 886,986 |
| Current Fund Activity (net) | 266,732 | 401,606 | 278,995 | (109,941) | 5,408 | (14,755) | (198,733) | 211,681 | 840,993 | 133,500 | 492,583 | 1,237,113 | 103,093 |
| Ending Fund Balance | 4,258,187 | 4,659,792 | 4,938,787 | 4,828,846 | 4,834,254 | 4,819,499 | 4,620,766 | 4,832,447 | 4,832,447 | | | | |
| Enrollment | | | | | | | | | | | | | |
| Employee only-Traditional | 294 | 287 | 288 | 290 | 293 | 293 | 280 | 271 | | 287 | | 330 | |
| High-Deduct | 57 | 56 | 57 | 58 | 57 | 52 | 50 | 51 | | 55 | | 41 | |
| Family coverage-Traditional | 416 | 421 | 414 | 413 | 408 | 412 | 390 | 377 | | 406 | | 463 | |
| High-Deduct | 37 | 37 | 36 | 35 | 33 | 33 | 30 | 28 | | 34 | | 28 | |
| Dental coverage only | 31 | 36 | 35 | 35 | 35 | 35 | 33 | 34 | | 34 | | 36 | |
| Temp/On Call Plan | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | 1 | | 0 | |
| Total employees enrolled | 835 | 838 | 831 | 832 | 827 | 826 | 784 | 762 | | 817 | | 898 | |
| Total dependants covered | | | | | | | | | | | | | |
| Average contributions per employee | 1,442 | 1,312 | 1,244 | 1,132 | 1,246 | 1,173 | 948 | 1,161 | | 1,230 | | 1,103 | |
| Average expenses per employee | 1,122 | 833 | 908 | 1,264 | 1,239 | 1,191 | 1,202 | 884 | | 1,067 | | 988 | |

Estimated # months funded: 5.5



BOARD OF COMMISSIONERS MEETING

| | |
|---------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Finance |
| Agenda Item #: 12B6 | Director: N/A |
| Subject: Variance Report | Officer: Jim Rodriguez |

Background

The information presented below is intended to keep the Committee apprised on the fiscal status of selected program(s) within the Agency that are routinely shared with Program Directors and Executive staff.

The following prepared financial analysis reports will be presented:

- Administration

The Administration Report consists of the following departments:

- Executive Office, Finance, Communications, Administrative Services, Information Technology, Human Resources, Planning and Evaluation, and Internal Audit.

Through August 2021, Administration is running a deficit of \$894,000. This is due to personnel costs from the additional positions that were added throughout Administration. There were additional technology solutions that were added this year such as Coupa, Cap60, Avanan, Asana, and Diligent. There were also higher expenses in Community Relations, Travel and Meeting costs compared to last year. Also causing a deficit is lower revenue. There has been less Indirect Cost Revenue claimed year-to-date and also lower claims of CSBG Revenue.

Fresno EOC
Administrative Variance Report
Jan-Aug 2021

% Time Lapsed:

66.67%

| | Total Administrative | | | % of Budget | Actual Jan - Aug 2020 | Actual 2020 vs 2021 Differences |
|-----------------------------------|----------------------|-------------------------|----------------------|-------------|--------------------------|---------------------------------------|
| | 2020 Budget | YTD Expenses Jan-Aug | Balance Remaining | | | |
| REVENUES AND SUPPORT | | | | | | |
| Administrative ICR | 5,810,400 | 3,530,302 | 2,280,098 | 61% | 2,998,925 | 531,377 |
| Fee-for-Services & Contributions | 25,000 | 16,044 | 8,956 | 64% | 42,571 | (26,527) |
| Other Revenue (Interest) | 100,000 | 70,002 | 29,998 | 70% | 67,921 | 2,081 |
| CSBG Revenue | 556,395 | 266,489 | 289,906 | 48% | 316,821 | (50,331) |
| TOTAL REVENUES AND SUPPORT | 6,491,795 | 3,882,837 | 2,608,958 | 60% | 3,426,237 | 456,599 |
| EXPENSES | | | | | | |
| Personnel Costs | 4,941,615 | 3,628,330 | 1,313,285 | 73% | 3,254,540 | 373,790 |
| Contract Services | 653,630 | 414,928 | 238,702 | 63% | 458,013 | (43,085) |
| Facility Costs | 260,900 | 120,510 | 140,390 | 46% | 195,071 | (74,560) |
| Out-of-County/Out-of-State Travel | 103,395 | 1,997 | 101,398 | 2% | 68,977 | (66,980) |
| Travel, Mileage, & Vehicle Costs | 8,890 | 13,174 | (4,284) | 148% | 3,129 | 10,045 |
| Equipment Costs | 92,415 | 98,490 | (6,075) | 107% | 102,024 | (3,533) |
| Office Expense | 211,555 | 325,352 | (113,797) | 154% | 159,174 | 166,178 |
| Insurance Expense | 19,375 | 21,535 | (2,160) | 111% | 14,577 | 6,958 |
| Program Supplies & Client Costs | 91,600 | 82,650 | 8,950 | 90% | 63,969 | 18,681 |
| Other Costs | 108,420 | 70,573 | 37,847 | 65% | 32,606 | 37,966 |
| TOTAL EXPENSES | 6,491,795 | 4,777,539 | 1,714,256 | 74% | 4,352,079 | 425,460 |
| NET SURPLUS/(DEFICIT) | - | (894,702.15) | 894,702.15 | | (925,842) | 31,140 |

% of budget



BOARD OF COMMISSIONERS MEETING

| | |
|-------------------------------------------------|-------------------------------|
| Date: October 27, 2021 | Program: Advance Peace |
| Agenda Item #: 12B6 | Director: Isaiah Green |
| Subject: Variance Report – Advance Peace | Officer: Jim Rodriguez |

Background

The information presented below is intended to keep the Board apprised on the fiscal status of selected program(s) within the Agency that are routinely shared with Program Directors and Executive staff.

The following prepared Variance Report will be presented:

- Advance Peace
 - Through 29% of the contract period, approximately 25% of funding has been used. Most of the year to date savings are from Services & Supplies and Other.
 - There are plans in place to fully utilize the funds in coming months in the following manner: Advance Peace Fellowship program will soon begin providing stipends and upcoming trips/events for participating fellows.
- City of Fresno
 - City funding has been fully expensed.

Fresno Economic Opportunities Commission

Program: Advance Peace 93563

Contract Term: 10/1/2020 thru 12/31/2023

Fund- CalVIP - BSCC 876-20

| Monthly report as of : August-21 % Budget 29% | | | | |
|-------------------------------------------------------------|---------------------------------------|--------------------------------|-----------------------------------------|----------------------|
| Budget Category | Full Budget 10/1/2020 - 11/30/2023 | YTD Actual Oct. 20 - Aug 21 | Total Budget Balance as of 8/31/2021 | % Spent August-21 |
| REVENUES: | | | | |
| CalVIP | 925,000.00 | 139,796.00 | 785,204.00 | 15% |
| TOTAL | \$ 925,000.00 | \$ 139,796.00 | \$ 785,204.00 | 15% |
| SALARIES & FRINGES: | | | | |
| Salaries & Benefits | 608,689.00 | 170,196.00 | 438,493.00 | 28% |
| TOTAL | \$ 608,689.00 | \$ 170,196.00 | \$ 438,493.00 | 28% |
| OPERATING EXPENSES | | | | |
| Services & Supplies | 47,877.00 | 1,580.00 | 46,297.00 | 3% |
| 5170 Professional Services or Public Agency | 126,000.00 | 43,635.00 | 82,365.00 | 35% |
| Project Evaluation | 54,000.00 | | 54,000.00 | 0% |
| 5160 Financial Audit | 1,108.00 | 3.00 | 1,105.00 | 0% |
| 5335, 5792, 5810, 5815 Other (Travel, Training, etc.) | 26,457.00 | 8,156.00 | 18,301.00 | 31% |
| 5144 Indirect Costs | 60,869.00 | 3,461.00 | 57,408.00 | 6% |
| | - | | | |
| TOTAL | \$ 316,311.00 | \$ 56,835.00 | \$ 259,476.00 | 18% |
| TOTAL COSTS | 925,000.00 | \$ 227,031.00 | \$ 697,969.00 | 25% |

(OVER)/UNDER

\$ (87,235.00)

Fresno Economic Opportunities Commission
Program: Advance Peace 93560
Contract Term: 10/1/2020 thru 08/31/2021
City of Fresno

| | | Monthly report as of : August-21 | | % Budget | 100% |
|------------------------------------------------|--------------------------|-----------------------------------------|-----------------------------------|--------------------------------------------|----------------------|
| Budget Category | | Full Budget 10/1/2020 - 08/31/2021 | YTD Actual Oct. 20 - Aug 21 | Total Budget Balance as of 8/31/2021 | % Spent August-21 |
| REVENUES: | | | | | |
| City of Fresno | | 125,000.00 | 124,989.00 | 11.00 | 100% |
| TOTAL | | \$ 125,000.00 | \$ 124,989.00 | \$ 11.00 | 100% |
| SALARIES & FRINGES: | | | | | |
| Salaries & Benefits | | | 48,847.00 | | |
| TOTAL | | \$ - | \$ 48,847.00 | \$ - | |
| OPERATING EXPENSES | | | | | |
| 5535, 5560, 5772, 5776 | Office/ Program Supplies | | 4,175.00 | | |
| 5701 | Advertising | | 223.00 | | |
| 5205, 5220, 5235, 5252, 5255, 5260, 5261, 5285 | Facility Maintenance | | 2,513.00 | | |
| 5270, 5280, | Utilities | | 470.00 | | |
| 5170 | Professional Services | | 45,000.00 | | |
| 5620, 5621, 5630, 5635 | Insurance | | 420.00 | | |
| 5160 | Financial Audit | | 141.00 | | |
| 5792, 5815 | Staff Training | | 12,530.00 | | |
| 5144 | Indirect Costs | | 8,810.00 | | |
| 5570, 5571 | Communication | - | 1,860.00 | | |
| TOTAL | | \$ - | \$ 76,142.00 | \$ - | |
| TOTAL COSTS | | 125,000.00 | \$ 124,989.00 | \$ 11.00 | 100% |

(OVER)/UNDER

\$ 11.00

Fresno Economic Opportunities Commission
Program: Advance Peace 93564
Endowment

| Monthly report as of : August-21 % Budget | | | | |
|--------------------------------------------------|---------------------------------------|-----------------------------------|--------------------------------------------|----------------------|
| Budget Category | Full Budget 10/1/2020 - 08/31/2021 | YTD Actual Oct. 20 - Aug 21 | Total Budget Balance as of 8/31/2021 | % Spent August-21 |
| REVENUES: | | | | |
| City of Fresno | 76,000.00 | 76,000.00 | - | |
| TOTAL | \$ 76,000.00 | \$ 76,000.00 | \$ - | |
| SALARIES & FRINGES: | | | | |
| Salaries & Benefits | | 2,447.00 | | |
| TOTAL | \$ - | \$ 2,447.00 | \$ - | |
| OPERATING EXPENSES | | | | |
| 5535, 5560, 5772, 5776 Office/ Program Supplies | | 8,499.00 | | |
| 5701 Advertising | | 190.00 | | |
| 5315, 5335, 5340 Travel | | 4,856.00 | | |
| 5415 Equipment under \$5,000 | | 3,129.00 | | |
| 5270, 5280, Utilities | | | | |
| 5170 Professional Services | | 1,500.00 | | |
| 5620, 5621, 5630, 5635 Insurance | | 78.00 | | |
| 5160 Financial Audit | | 11.00 | | |
| 5792, 5815 Staff Training | | | | |
| 5144 Indirect Costs | | 701.00 | | |
| 5570, 5571 Communication | - | 963.00 | | |
| TOTAL | \$ - | \$ 19,927.00 | \$ - | |
| TOTAL COSTS | 76,000.00 | \$ 22,374.00 | \$ 53,626.00 | 29% |

(OVER)/UNDER \$ 53,626.00



**FRESNO EOC FOSTER GRANDPARENT PROGRAM
COMMUNITY ADVISORY GROUP (CAG)
Friday, April 30, 2021 10:00 a.m.**

MINUTES

I. CALL TO ORDER

Leah Struck called the meeting to order at 10:17 a.m.

II. ROLL CALL

Roll was called.

Committee Members (Zoom):

Margarita Cortez
Julia Fowler
Betty Brown

Staff (Zoom):

Leah Struck
Raquel Padia

Absent

Catherine Robles
Julia Borges

III. APPROVAL OF MINUTES

December 7, 2020 FGP Community Advisory Group Meeting Minutes

Motion by: Cortez **Second by:** Brown

Ayes: Fowler, Cortez, Brown

Nays: None

IV. PROGRAM UPDATES

First Quarter updates

A. FGP currently maintains sixty volunteers and three staff.

B. The application for FGP grant renewal was submitted March 9, 2021 for the three-year period of July 1, 2021 - June 30, 2024. The result of the application submission will be known sometime in June 2021.

C. Volunteer Specialist, Raquel Padia, was hired December 21, 2020.

- D. January 2021, the Memorandum of Understanding (MOU) between FGP and Fresno EOC Head Start Program was restructured into one umbrella MOU that is effective over all Fresno EOC Head Start sites. This replaces individual MOUs with each site. Grandparent Volunteers have been placed in several Head Start sites joining in on Zoom classes.
- E. Laptops were distributed to Grandparent Volunteers. Technology training has been conducted and volunteers are joining classrooms through Zoom. On April 28, 2021, the Certificate of Completion Ceremony was held for those volunteers that have completed training.
- F. A grant augmentation was approved for \$15,000, which provided funding for hiring the Training Specialist, Joshua Soleno, on March 2, 2021. This position was created to transition FGP into virtual service. Joshua conducts computer training in one on one and group settings for Zoom and email. He is also adding content to FGP Facebook and Fresno EOC website, FGP page.
- G. FGP is beginning a collaboration with YouthBuild Charter School for a Pen Pal program.
- H. Fresno Unified School District, Central Unified School District and Clovis Unified School District did not accept any kind of volunteers this year. We were not able to use any of these stations for placements. This is why Head Start stations are so valuable.
- I. East Fresno Kiwanis Club donation of \$1,000 was used to purchase 461 books for children. All 140 students at Franklin Head Start received three books each. Each book is related to three months of curriculum. Remaining books have been added to FGP library for volunteers to borrow to read to their classes.
- J. The second cohort of technology training will begin week of May 3, 2021.

V. RECRUITMENT OF COMMUNITY ADVISORY GROUP (CAG) MEMBERS

We are currently in need of adding members to the FGP CAG. Some members have retired and some have moved on to other positions and are no longer available. An information document has been attached with this meeting packet showing ways to recruit and build a group. We would like to reach out to someone from a school district, someone from Head Start, and a community member that, as a child, had a Foster Grandparent volunteer serving in his or her classroom.

VI. OTHER BUSINESS

Brown discussed the idea of a future possible fundraiser. Brown suggested having a large group Grandparent yard sale with items being brought in from the Foster

Grandparents themselves and Grandparents participating on site in the sale. Struck stated that FGP will look into the details of something like that, keeping consideration of COVID regulations in mind.

Next CAG meeting will be Thursday, September 30, 2021 at 10:00 a.m. via Zoom

VII. PUBLIC COMMENT

None heard

VIII. ADJOURNMENT

Meeting was adjourned at 10:45 a.m.

Respectfully submitted,
Leah Struck
FGP Coordinator

**COUNTY-WIDE POLICY COUNCIL
MINUTES**

September 7, 2021

CALL TO ORDER

The meeting was called to order at 6:11 p.m. by Araceli Zavalza, CWPC Chairperson.

Olga Ramirez, Family/Community Services Manager, informed Representatives at this time we do not have a full quorum. Meeting will have to move forward with informational items.

**COMMUNITY
REPRESENTATIVE REPORTS**

No Community Representative Reports were given at tonight's meeting.

**MONTHLY FINANCIAL
STATUS REPORTS FOR THE
MONTH OF JULY 2021**

Olga Ramirez, Family/Community Services Manager, informed Representatives of the Monthly Financial Status Report for Early Head Start and Head Start programs for the month of July 2021. These reports were sent to Representatives prior to tonight's meeting.

Ms. Aquino reported that at this time, we will not be submitting a financial status report for July 2021 due to additional time needed to review and update accounting processes and information to reflect the transition from the grant in close out to our new five-year grant. Other contributing factors consist of having a temporary reduction in staffing due to turnover in the accountant position for Head Start 0 to 5. The finance department is in the process of hiring a new accountant for Head Start and are confidential that they will be able to provide reports for July and August 2021 during the October 2021 County-Wide Policy Council scheduled meeting.

**PERSONNEL COMMITTEE
REPORT**

Ashleigh Rocker Greene, CWPC Vice-Chairperson, informed Representatives of the Personnel Committee Report, which is presented monthly to CWPC. This information was sent to Representatives prior to tonight's meeting.

Ms. Greene reported the hiring/separation/job descriptions, personnel actions of Early Head Start and Head Start staff, as well as eligibility lists created for September 7, 2021.

**EARLY HEAD START SCHOOL
READINESS GOALS – 3RD
AGGREGATION OF DATA**

Guadalupe Zuniga, Home Base Services Manager for Head Start 0 to 5, informed Representatives of the Early Head Start School Readiness Goals – 3rd Aggregation of Data. This information was sent to Representatives prior to tonight's meeting.

Head Start Program Performance Standards 1302.33(b)(1) states that a program must conduct standardized structured assessments, which may be observation-based or direct, for each child that provide ongoing information to evaluate the child's developmental level and progress in outcomes aligned to the goals described in the Head Start Early Learning Child Outcomes Framework" Ages Birth to Five. Such assessments must result in usable information for teachers, home visitors, and parents and be conducted with sufficient frequency to allow for individualization within the program year.

Ongoing child assessments occurs in Head Start 0 to 5 with all enrolled children, in order to determine how children are progressing and where support may be needed. Fresno EOC Head Start 0 to 5 collects and analyzes child assessments data three time a year. The Data aggregation assessments period are Fall, Winter and Spring. The Desired Results Profile Assessment (DRDP) is utilized for Center Base program option and the Infant Development Assessment (IDA) is utilized for Home Base program options.

For each data aggregation period, data is collected and sent to Child Care Results Analytics to be analyzed. Child Care Results Analytics provides report: program wide reports, site and classroom reports and individual child reports. The reports assist the program in planning and supporting positive child outcomes. Teachers and Family Development Specialists also utilize this data to plan and implement according to each child's strengths and needs.

EARLY HEAD START/
HEAD START MONTHLY
PROGRAM UPDATE REPORT
(PUR) FOR THE MONTH OF
JULY 2021

Rosa M. Pineda, Early Care & Education Director and Nidia Davis, Program Support Director, informed Representatives of the Early Head Start/Head Start Monthly Program Update Report (PUR) for the month of July 2021. This information was sent to Representatives prior to tonight's meeting.

As mandated by the Office of Head Start, all Early Head Start and Head Start Programs are to comply with a Monthly Program Information Report to the CWPC.

The monthly report covers the following areas: Program Information Summary, Communication and Guidance from the HHS Secretary, Wait List Totals, and Meals/Snacks Totals for Children, for the Early Head Start and Head Start program.

ANNOUNCEMENTS

Ashleigh Rocker Greene, CWPC Vice-Chairperson, made the following Announcements:

- A. October 5, 2021 – CWPC Meeting (Election Night) in person at Franklin Head Start, 1189 Martin Street, Fresno, CA 93706 at 6:00 p.m.
- B. October 11, 2021 – Indigenous People's Day Holiday (No School)
- C. October 19, 2021 – Next CWPC Executive Board Meeting in person at Executive Plaza, 1920 Mariposa Street, Suite 230, Fresno, CA 93721 at 6:00 p.m.

ADJOURNMENT

No Quorum. Action items will be presented at the October 5, 2021 CWPC Meeting.

The meeting adjourned at 6:35 p.m.

Submitted By:

Esther Lepe
Recording Secretary

(CWPC MINUTES SEPTEMBER 7 2021.FINAL)

el/mm

09/15/21

– CWPC (2021-2022) (CWPC MINUTES) –

**FRESNO EOC SCHOOL OF UNLIMITED LEARNING
GOVERNING COUNCIL MEETING**

On-Line through Ring Central
Tuesday, September 14, 2021

MINUTES

I. Meeting called to order by Dr. Terry Allen 10:30 a.m.

II. Roll call facilitated by Maria Morales

| Voting Members | <small>Present</small> | <small>Excused</small> | <small>Absent</small> | Staff | <small>Present</small> | <small>Excused</small> | <small>Absent</small> | Guests |
|---------------------------------------------------------------------------------------|------------------------|------------------------|-----------------------|--------------------|------------------------|------------------------|-----------------------|---------------------------------|
| Terry Allen, Ed.D., Chair Retired Teacher Representative | X | | | Michelle Tutunjian | X | | | Sarah Arrellano, CSUF Intern |
| Edward Avila, Fresno EOC Commissioner | X | | | Emilia Reyes | | X | | |
| Jerome Countees, Fresno EOC Commissioner | | | X | | | | | |
| Jeff Davis, Training and Employment Director, Fresno EOC Training | X | | | | | | | |
| Larry Metzler, Cultural Arts Rotary Interact Club | X | | | | | | | |
| Mike Petrovich Ph.D, Retired Mental Health Representative | X | | | | | | | |
| Chuck Riojas, Community Member | X | | | | | | | |
| Jimi Rodgers, Fresno EOC Commissioner | X | | | | | | | |
| Jeanne Starks, Retired Law Enforcement Juvenile Probation | | X | | | | | | |
| Jane Thomas, Director EOC Health Services, Julio Romero (Alternate) | X | | | | | | | |
| Benita Washington, FSU Social Worker Representative | X | | | | | | | |
| Parent Rep Maria Amaro Morales, Vice Chair | X | | | | | | | |
| Student Rep's (2) Alternate Student Rep | | | | | | | | |
| Rena Failla, Staff Representative | X | | | | | | | |
| Courtney Griffin, Staff Representative | X | | | | | | | |
| Sam Hairston, Staff Representative- Career Services | X | | | | | | | |
| Sandy Lomelino, Staff Representative. Coordinator of Curriculum | X | | | | | | | |
| Susan Lopez, Staff Representative Coordinator of Instruction/Acting Interim Principal | X | | | | | | | |
| Mark Wilson, Chief Academic Officer/Principal | | X | | | | | | |

III. Approval of Minutes

The May 11, 2021 minutes were approved as read. M/S/C Petrovich/Rodgers

The July 20, 2021 minutes were approved as read. M/S/C Petrovich/Morales

IV. Acceptance of Corinne Florez' Resignation

Proposed Juvenile Law Enforcement Representative

Rena Failla announced to the Council that member Corinne Florez submitted a letter of resignation and thanked the SOUL Governing Council for the opportunity to serve the student's and their families. The previously proposed Juvenile Law Enforcement Representative is unavailable to serve on Governing Council. A motion was made to accept Corinne Florez' resignation. M/S/C Rodgers/Failla

V. Elect Governing Council Secretary

The Council nominated Commissioner Jimi Rodgers to serve as Secretary for the Council, and Jimi Rodgers accepted the position. The Council unanimously approved Rodgers as Secretary.

VI. 2021-2022 Amended Meeting Schedule

Rena Failla presented the amended meeting schedule to the Governing Council. The revision reflects the change in the meeting time from 10:30 a.m. to 12:30 p.m. to 8:30 to 10:00 a.m. The Council discussed the time change and agreed it would be more convenient to meet at 8:30 a.m. A motion was made to approve the meeting time change. M/S/C Lopez/Morales

VII. Elementary and Secondary School Emergency Relief Fund (ESSER III)

Susan Lopez shared with the Council how SOUL plans to use the ESSER III Expenditure Plan funds to address students' academic, social, emotional and mental health needs, that were worsened by the Pandemic. A motion was made to approve the ESSER III Relief Fund Expenditure Plan. M/S/C Petrovich/Riojas

VIII. Independent Study Procedures and Policies

Independent Study Board Policy

Rena Failla stated that the Independent Study Procedures and Policies in the Student & Parent Handbook are reviewed and updated annually.

The Independent Study Board Policy is directly affected by the State Department of Education and any changes related to Independent Study Education Code. Due to the COVID-19 pandemic, the California Department of Education reflects recent changes adopted by Assembly Bill 130 that delineates Education Code policies that must be incorporated into the Independent Board Policy. Failla highlighted the five items in AB 130 proposed to include in SOUL's Independent Board Policy. A motion was made to approve the Independent Board Policy. M/S/C Rodgers/Morales

IX. 2021-2022 Parent Involvement Policy/Meeting Schedule

Susan Lopez reported to the Governing Council on the Annual Parent Involvement Policy, which stipulates times, dates for parent meetings throughout the year. SOUL's 2021-2022 Parent Involvement Policy, outlines the proposed parent meeting schedule for the current school year. At the September parent meeting, a special drug related workshop will be offered for both students and parents to attend. A motion was made to approve the 2021-2022 Parent Involvement Policy/Meeting Schedule. M/S/C Rodgers/Petrovich

X. 2021-2022 Student & Parent Handbook

Susan Lopez presented the 2021-2022 Student & Parent Handbook, explaining the various updated elements which include: the school calendar, staff positions, policies and procedures, hybrid learning opportunities, revised COVID-19 procedures and newly adopted Assembly Bill 104. The Student & Parent Handbook is revised annually. A motion was made to approve the Student & Parent Handbook. M/S/C

XI. 2021-2022 Professional Development Plan

Susan Lopez reported on the 2021-2022 Professional Development Plan that is created annually. The Plan is designed to help teachers increase student learning and the number of SOUL graduates. A motion was made to approve the 2021-2022 Professional Development Plan. M/S/C Petrovich/Griffin

XII. COVID-19 Protocol Guidelines and Procedures

Courtney Griffin presented information concerning the COVID-19 procedures and processes closely followed as delineated by the Center for Disease Control and prevention (CDC), Fresno EOC, and Fresno County Health Department and the State of California Department of Education. SOUL received 400 COVID-19 test kits, which will be utilized for staff and students, as needed.

XIII. SOUL Update

SOUL's demographic information for the school enrollment and updates as reflected on the Principal's report was reviewed by the Council. Additional items discussed:

- SOUL's next WASC self-study will be during the 2022-2023 school year. The Charter renewal has been extended for two years, and will take place during the 2025 school year.
- There has been an increase in the number of students requesting work permits.
- Approximately 30 graduates will be graduating in December 2021, there will be a graduation ceremony at SOUL in the Sanctuary Theater. Days and times of the ceremony will be announced at a later date.

IVX. Other Business

The Membership Sub-Committee will report at the October 12, 2021 Governing Council Meeting.

XV. Public Comment

None at this time

XVI. Adjournment of Meeting

The meeting adjourned at 11:43 am

Submitted by Commissioner Jimi Rodgers, SOUL Governing Council Secretary



October 27, 2021

CEO REPORT

Background

The information presented below is intended to inform the reader about the Chief Executive Officer, the Agency and the staff's involvement in serving our community.

FRESNO EOC AGENCY WIDE EFFORTS

New Principal at SOUL

Fresno EOC School of Unlimited Learning (SOUL) announced the promotion of Susan Lopez. Lopez replaces Dr. Mark Wilson who retired in last month (Sept.) after 15 years of service as Principal. Effective Tuesday, October 12, Lopez took the helm of the charter high school in downtown Fresno.

Proclamation by Fresno County Board of Supervisors

Dr. Mark Wilson was recognized by the Fresno County Board of Supervisors on Tuesday, October 5 for his extraordinary achievements. He stepped down as Principal of SOUL on September 30, 2021. Members of the executive team and I were in attendance to thank Dr. Wilson for his commitment to creating a multi-tiered system of support in a learning environment where students can thrive.

Strategic Planning

Leadership is engaging staff to provide input to lead a culture shift in the agency, in support of our mission, vision, and values. This month, service teams are gathering for retreats to discuss **results** of the Employee Engagement Survey to see where they might guide us. Attendees will then discuss results with each of their programs. All this, comes after the Executive Team gathered program and administrative leadership for a retreat, back in August.

Executive Team and Board Members – Strategic Planning

Thank you for your participation in our first strategic planning meeting. We had the first of three meetings on October 18 and it was very productive. I look forward to hearing the results.

Gateway Park Project Follow-Up

Members of Fresno EOC staff and myself met with community members on October 13 via Zoom, to discuss the proposed Gateway Park Project at Clinton and Marks Avenues. We explained to attendees that after we submitted our grant application, the California Parks Department came back and requested a significant amount of additional information. The amount of time and energy already spent by staff -- as well as rising construction costs caused by the pandemic -- and other factors influenced our decision to no longer pursue the project. A follow-up email will be sent out.

Access Plus Capital Board Retreat

Fresno EOC Executive staff members and I were able to attend the Access Plus Capital retreat in Monterey.

Fresno EOC Poverty Fighters Podcast

Season 1, Episode 7, October 1 – Shawn Riggins

Host, Antonio Aguilar, sat down with Shawn Riggins, Director of Fresno EOC Local Conservation Corps (LCC). They discussed how LCC is helping young adults get an education while earning paid vocational training. The podcast is available on our [website](#), Spotify, and iTunes.

Fresno EOC ArtHop

A reminder --Fresno EOC will host its fifth ArtHop event in the plaza at 1900 Mariposa in November. The event is open to the public and we invite you to attend on Thursday, November 4th at 5PM. It will be a nice opportunity to engage with members of the community and Fresno EOC staff.

FRESNO EOC COMMUNITY EFFORTS

MEDIA MENTIONS

September 16: Fresno EOC Head Start 0 to 5 in session, on campus

Fresno EOC Head Start is off to strong start. Staff was interviewed about how they are working to ensure a safe environment during the coronavirus pandemic – [ABC30](#)

September 22: Fresno EOC continues to promote the Child Tax Credit

We are mentioned in this Fresno Bee article in partnership with Faith in the Valley for our efforts to extend the Child Tax Credit to our most vulnerable populations beyond this first year. The article also covers how people can still sign up for the Child Tax Credit. – [Fresno Bee](#)

September 28: Opportunities for human trafficking survivors to clear their records

Fresno EOC is mentioned in this article about clearing criminal records of human trafficking survivors. Data was shared indicating that locally, more than 1-thousand

victims of human trafficking have been identified by Fresno EOC Central Valley Against Human Trafficking project in the last 10 years. [Fresno Bee](#) (Valley Voices)

SEPTEMBER-OCTOBER SPONSORSHIPS

Fresno County Economic Development Corporation Annual Investors' Meeting (40th Anniversary) – 9/30 Fresno Chaffee Zoo

The sponsorship helps the public/private nonprofit organization in efforts to market Fresno County as the premier location for business prosperity. They facilitate site selection for new businesses within Fresno County, and also assist in the retention and expansion of businesses through their alliance with collaborative partners and resources.

Marjaree Mason Center's 38th Annual Top Ten Professional Women and Leading Business Awards – 10/14 at Chukchansi Park

The sponsorship helps raise awareness about domestic violence. The Marjaree Mason Center announces the 2021 Top Ten Professional Women and Leading Business honorees! Each of the following honorees was nominated by a community member, who felt them deserving of such an achievement.

Shantay **Davies-Balch >>** Founding Director, African American Coalition, Fresno EOC **was one of the honorees.**

Fresno Unified School District's "State of Education" – Virtual event on 10/18

This sponsorship helps Fresno Unified to nurture and cultivate the interests, intellect, and leadership of students by providing an excellent, equitable education in a culturally proficient environment.

Focus Forward "Stories of Hope" – Magazine Launch on 10/20

"Stories of Hope" magazine was launched, featuring a number of local community members, including myself. This sponsorship helps to assist youth in-need and their families. Focus Forward's mission is to create pathways to success for youth in the justice and/or child welfare system through effective programs and services.

Fresno Community Health Improvement Partnership's (FCHIP) Annual State of Our Health - Virtual Event 10/29

This sponsorship allows Focus Forward to support FCHIP Initiatives, engage community youth and residents, support county data integration efforts, provide ongoing support for collective equity work, develop a sustainable evidence-based Community Health Worker HUB model, draw more community leaders and frontline workers to collaborate, sustain the multi-sector collaboration through the Fresno County Trauma Informed Network of Care

Thank You to Our Partners

We continue to identify service gaps through listening to and lifting up unheard voices in our community. When we work together, we elevate the fight against injustice and poverty.



BOARD OF COMMISSIONERS MEETING

| | |
|--------------------------------------|--------------------------------|
| Date: October 27, 2021 | Program: Finance Office |
| Agenda Item #: 17 | Director: N/A |
| Subject: Federal Funds Policy | Officer: Jim Rodriquez |

Recommended Action

Staff recommends approval for full Board consideration the Federal Funds Policy.

Background

The agency's legal counsel, Kenneth Price and Chief Financial Officer (CFO), Jim Rodriguez will provide an overview of the policy regarding the use and treatment of federal funds. The policy would implement procedures for the management of federal funds to ensure compliance with federal laws, including maintenance of an accounting system specifically for federal funds, direct oversight by the CFO, and yearly training. In addition, the policy details procedures for handling funds that are under federal investigation.

Fiscal Impact

None.

Conclusion

If approved by the Board, staff will move forward with the implementation of the Federal Funds Policy.

POLICY REGARDING USE OF FEDERAL FUNDS AND TREATMENT OF FEDERAL FUNDS SUBJECT TO WITHHOLDING DUE TO A FEDERAL INVESTIGATION

I. Procedures to ensure compliance with federal laws governing the possession or use of federal funds.

Fresno Economic Opportunities Commission (the "Fresno EOC"), is a California nonprofit public benefit corporation, that also serves as a Community Action Agency that is the recipient of federal funds. Use of federal funds are subject to federal law and federal oversight. As such, Fresno EOC desires to memorialize certain protocols to ensure that these funds are properly maintained, used, and dispersed, in accordance with all applicable federal laws. For this reason, upon adoption of this policy by the Board of Commissioners, Fresno EOC is implementing the following procedures:

- 1) Fresno EOC will maintain a special accounting system for federal funds. Under this system, federal funds cannot be commingled with non-federal funds. All funds into and out of this account must be clearly accounted for. This account shall include all federal funds Fresno EOC obtains, whether those funds are directly granted to Fresno EOC or obtained pursuant to a sub-recipient agreement with a government agency, business, or other organization.
- 2) Fresno EOC will task the agency's CFO or a comparable level employee designee with the job of overseeing all contracts and accounting actions related to any federal funds in Fresno EOC's possession. Fresno EOC will ensure that the CEO or designee will oversee the issuance of federal funds, requests for reimbursement of federal funds, and all other accounting actions related to any federal funds in Fresno EOC's possession.
- 3) Fresno EOC at its own cost will provide yearly training for the manager responsible for managing federal funds by a trainer with certified expertise in management of federal grants and funds.

II. Treatment of funds subject to withholding due to a federal investigation.

Funds subject to federal investigation must be treated with heightened precaution. These funds might be withheld to pay back workers who have not received due compensation under the law while working for a sub-contractor or might be withheld for another purpose in service of the public interest. Ultimately, these funds belong to the federal taxpayer and must be treated with care and responsible stewardship. The procedures below outline what Fresno EOC must do to ensure that federal funds subject to a federal investigation are protected from waste, misuse, or improper expenditure.

- 1) Any employee working on a project that involves the use of federal funds who obtains notice that there is a federal investigation into any entity related to those funds must immediately report to the manager responsible for maintaining federal funds.
- 2) Immediately upon receiving notice that there is a federal investigation involving the federal funds, Fresno EOC by and through its CEO and legal counsel, must immediately contact the federal agency to determine the scope of the investigation and whether the federal agency seeks to withhold funds subject to the investigation.
- 3) Once Fresno EOC receives a formal request to withhold federal funds from a federal agency, Fresno EOC must immediately set aside the amount requested, up to and including all money owed on the contract, even if there are pending invoices seeking payment by those the federal funds. Should the federal investigation or subsequent federal litigation result in liability against the sub-contractor or entity from whom funds are withheld, all withheld funds will be used to remedy the harm caused by the party subject to investigation.

- 4) Once Fresno EOC has withheld those funds subject to a federal investigation, those funds cannot be used for any other purpose. No funds may be deducted from withheld funds.
- 5) Fresno EOC must continue to preserve these funds until it obtains formal written notice from the federal agency of the agency's intention to transfer the funds or until the federal agency informs Fresno EOC in writing that the funds no longer need to be withheld.

III. Applicability

This policy is applicable to all Fresno EOC employees. Fresno EOC must inform and train those employees who are impacted by the provisions of this policy annually.



BOARD OF COMMISSIONERS MEETING

| | |
|-----------------------------------------------------------------------|-----------------------------|
| Date: October 27, 2021 | Program: N/A |
| Agenda Item #: 18 | Director: N/A |
| Subject: Chief Executive Officer (CEO) Employment Agreement | Officer: Linda Hayes |

Recommended Action

The Executive Committee recommends the approval of the CEO Agreement for Employment between Fresno EOC and Emilia Reyes.

Background

Board Chair, Linda Hayes, will provide an overview on behalf of the Executive Committee regarding the CEO Employment Agreement.

Conclusion

If approved by the full Board, Emilia Reyes will continue to serve as the Chief Executive Officer of Fresno EOC; this agreement will take effect on December 1, 2021 and terminate on December 31, 2024.

**AGREEMENT FOR EMPLOYMENT OF CHIEF EXECUTIVE OFFICER
BETWEEN
THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION**

AND

EMILIA REYES

THIS AGREEMENT FOR EMPLOYMENT OF CHIEF EXECUTIVE OFFICER (this “Agreement”) is entered into as of this 27th day of October, 2021, by and between the FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION, a California nonprofit public benefit corporation (“Fresno EOC”), and EMILIA REYES (“Ms. Reyes” or “CEO”). This Agreement supersedes any and all prior employment agreements.

RECITALS

A. Ms. Reyes serves as the Chief Executive Officer (“CEO”) of Fresno EOC. During the course of her employment with Fresno EOC, Ms. Reyes has entered into one previous employment agreement to serve as CEO of Fresno EOC. Ms. Reyes' employment under the previous employment agreement between the parties, dated December 26, 2019, commenced on January 20, 2020, and expires by its terms on January 19, 2022.

B. The parties desire to enter into a new employment relationship and memorialize the terms of this new relationship pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by this reference, and of the covenants and provisions contained in this Agreement, the parties agree as follows:

1. EMPLOYMENT AS CHIEF EXECUTIVE OFFICER

Ms. Reyes is hereby employed as the Chief Executive Officer of Fresno EOC.

2. TERM OF AGREEMENT

The term of this Agreement shall commence on December 1, 2021 (the “Effective Date”) and expire on December 31, 2024.

3. POWERS AND DUTIES

The CEO shall perform all of her powers and duties in accordance with applicable laws and the position description for the Chief Executive Officer position, which is attached hereto and incorporated herein as Exhibit A and may be modified by the Fresno EOC Board of Directors (“Board”) from time-to-time.

4. BOARD-CEO RELATIONS

The CEO shall work with the Board in developing and maintaining a spirit of cooperation and teamwork in which the Board shall accept responsibility for formulating and adopting policy and for taking action on matters that, by law, require Board action. Administrative responsibility and commensurate authority for administering Fresno EOC is hereby delegated by the Board to the CEO.

The Board recognizes that it is a collective body and each Board member recognizes that his/her power as a Board member is derived from the collective deliberation and action of the Board as a whole in a duly constituted meeting. Individual Board members shall not give direction to the CEO or any staff member regarding the management of Fresno EOC or the solution of specific problems. It is agreed that the Board shall promptly refer any criticism, complaints, or suggestions brought to the attention of the Board, or any member thereof, to the CEO for study and recommendation.

The Board shall provide the CEO with periodic opportunities to discuss Board-CEO relations as they relate to the Board's productivity and the effectiveness of the CEO's leadership. As a part of this process, when it is deemed necessary by either the Board or the CEO, an outside advisor may be retained to facilitate this process. If an outside advisor is retained, the costs associated with the outside advisor shall be paid by Fresno EOC for a time determined by mutual agreement between the Board and CEO.

The CEO shall be held responsible for establishing programs and services and for managing Fresno EOC to meet the Board's expected outcomes including the provision of data from which the Board can evaluate Fresno EOC's achievements. Thus, the Board, by exercising its governance and policy-making role, can be assured that it determines what it is that Fresno EOC should accomplish and whether, in fact, Fresno EOC is accomplishing the Board's expectations.

5. SALARY

Commencing on January 1, 2022, the CEO's starting salary shall be \$195,000.00. The CEO's salary may be adjusted during the term of this Agreement by mutual consent of the parties as described in Section 6 below. A change in salary or of any other provision of this Agreement shall not constitute the creation of a new agreement. The CEO shall be paid bi-weekly in accordance with Fresno EOC's usual payroll procedures.

6. EVALUATION

In addition to the salary set forth above, the CEO may be entitled to additional bonus compensation following the implementation of the agency performance management system described below and as amended from time-to-time by the Board. As part of the performance management system, the results of the CEO's performance evaluation shall directly affect the CEO's salary and bonus incentive compensation.

A. Process. The performance evaluation is based on competency and goal achievement during a 12-month evaluation cycle. Over the course of the year, the CEO's performance shall be evaluated by her performance of the duties and responsibilities contained in the CEO's position description, agency competencies, goals established by the Board, the CEO's goals report as described in Section 6.B. below, goals established by the CEO for senior-level Fresno EOC staff, and other factors deemed appropriate by the Board. The Board is encouraged, but not required, to retain the services of a third-party to facilitate the evaluation process, which would be paid for entirely by Fresno EOC. As part of the performance management system, the Board shall use its best judgment to "score" the CEO's competency and goal achievement.

B. Timing. On or before November 31st of each year, the Board shall complete the CEO's annual evaluation. The implementation of the evaluation shall be led by the Chair of the Board, the Executive Committee, or an *ad hoc* committee established by the Chair. During the initial year of the Agreement, the chair shall appoint an *ad hoc* committee to create and implement a new CEO evaluation form document and bonus criteria to be used during the term of this Agreement. A quorum of Board must fully participate in the evaluation. As part of that process, the Board will hold a goal setting conference with the CEO to start establishing the agency's and the CEO's goals for the following year. The goal setting conference may be continued from time-to-time but shall be concluded prior to the end of that calendar year. The goals established through this process shall be clear, identifiable, and mutually-agreed to by the CEO and Board. By the meetings of the Board for February and May each year, the CEO will provide a written or verbal update on the progress of the established goals to the Board. By September 1st of each year, the CEO will provide to the Board a formal report on Fresno EOC's goals. The Board shall consider this report when conducting the CEO's evaluation as described herein.

C. Compensation Increases. All salary increase and bonus incentive amounts are discretionary and will be determined solely by the Board. CEO's annual salary increases will be based upon job competency criteria and shall be limited to the percentage of salary increase to all agency staff, combining salary increases to represented and non-represented staff alike. Salary increases to the CEO shall not exceed three percentage (3%) per year. CEO shall be eligible for a discretionary bonus not to exceed \$15,000 per annum. Additionally, upon execution of this Agreement, CEO shall earn a one-time "signing bonus" of \$15,000 prior to the end of calendar year 2021. With respect to future annual bonus eligibility, the CEO's goal achievement, as measured by the Board, shall determine eligibility for a bonus incentive award. The Board shall determine the bonus incentive award that shall be available for each performance management year. The CEO's salary increases and bonuses, if any, shall comply with 42 U.S.C. section 9848, as amended, and shall be subject to limitations on compensation. Any compensation in excess of such federal limits shall be paid with non-federal funds.

7. WORK YEAR

Subject to Section 8 below, the CEO shall be required to render twelve (12) months of full and regular service to Fresno EOC for each annual period covered by this Agreement, excluding applicable holidays.

8. VACATION

The CEO shall accrue twenty (20) days of vacation per calendar year. Vacation shall be taken during the calendar year in which granted. In the event vacation is not taken during the calendar year in which it is granted, it may only be accumulated to a total of forty (40) days. The CEO shall notify the Board if she intends to take five (5) consecutive days or more of vacation. As long as the CEO remains classified as exempt, for the purposes of paid vacation time accrual only, the CEO will be considered to have worked 40 hours per week regardless of the number of hours actually worked per week unless (a) the CEO misses an entire week's worth of work, (b) the CEO misses complete days' worth of work for personal reasons or through the use of paid vacation time, holiday pay, etc., or (c) the CEO's schedule is reduced such that the CEO is required to work something less than 40 hours per week. In those instances, the amount of paid vacation time to be accrued will be based on the number of hours actually worked by the CEO or accrual will be a pro rata amount based upon the number of days actually worked by the CEO during the week. In the event of termination or expiration of this Agreement, the CEO shall be entitled to compensation for unused vacation at the salary rate in effect at that time. The CEO may cash out accrued vacation in accordance with Fresno EOC policy, as may be amended from time-to-time.

9. FRINGE BENEFITS

A. Health and Welfare Benefits. During the term of the Agreement, the CEO shall be entitled to participate in the same health and welfare benefits as are provided to unrepresented management employees. Fresno EOC shall pay 100% of the premiums applicable to the CEO.

B. Term Life Insurance. During the term of the Agreement, Fresno EOC shall pay the premium applicable to a term life insurance policy in the amount of \$100,000.

C. Retirement Contributions. CEO shall be entitled to participate in Fresno EOC's 457 Plan (the "Plan") so long as Fresno EOC continues to offer the Plan and CEO is qualified and eligible to participate in the Plan. Unless otherwise prohibited by the terms of the Plan, and subject to any applicable vesting period, Fresno EOC will begin contributing an amount equal to ten percent (10%) of CEO's base salary to the Plan starting on the first day of CEO's employment. Such contributions will be made at the same time and on the same conditions as contributions made by Fresno EOC on behalf of other similarly situation executive level employees.

D. Sick Leave. During the term of the Agreement, the CEO shall accrue at a rate of 3.076 days per pay period.

E. Automobile Allowance. During the term of the Agreement, the CEO shall receive an automobile allowance in the amount of \$500.00 per month.

F. Other Leave Benefits. In addition to the paid vacation time and paid sick leave described above, the CEO will also be entitled to holiday pay and other leave as provided pursuant to Agency policy all other similarly situated executive level employees. The terms and conditions for Employee's accrual and use of those additional benefits will be the same as those applicable to all other similarly situated executive level employees.

10. EXPENSES

A. Expenses. The CEO is entitled to be reimbursed for actual and necessary expenses incurred and paid by the CEO in the conduct of her duties on behalf of Fresno EOC, and which are authorized by the Board in accordance with applicable policies and regulations. The CEO's expenses shall be approved by the Fresno EOC Board Chair. The CEO shall submit appropriate written documentation to the Board Chair justifying such expenses.

B. Professional Organizations. Fresno EOC encourages the CEO to participate in professional organizations and activities. Fresno EOC shall pay the CEO's membership dues in local service clubs and other professional or community organizations as may be approved in advance by the Board. The CEO shall periodically, but no less than annually, provide to the Executive Committee a list of local service clubs and other professional or community organizations receiving funding by Fresno EOC for memberships pursuant to this Section 10.B.

C. Professional Meetings. The CEO may attend professional meetings at the local, county, and state levels. Prior approval of the Board shall be obtained when the CEO attends out-of-state functions, and all actual and necessary expenses of attendance shall be paid by Fresno EOC. In case of an emergency attendance requirement, the Chair of the Board will be notified, and the expenses will be ratified at the next appropriate Board meeting.

D. Professional Development. Fresno EOC supports and encourages the continuing professional development of the CEO. Possible professional development opportunities include attending various seminars and courses, and CEO's participation in activities such as leadership coaching services. In the event that CEO desires to engage in such professional development activities, CEO shall present the Board with the cost and time commitment associated with such activities for the Board's consideration.

E. Outside Professional Activities. The CEO may engage in outside professional activities, such as speaking and writing, provided such activities enhance CEO's duties. CEO shall not receive honoraria for such activities. Additionally, CEO shall not be compensated in any way for such professional activities.

F. Travel Expenses. CEO is expected to use her own automobile in the performance of the duties of CEO, paying fuel and maintenance expenses and retaining liability insurance. CEO is encouraged to use a rental vehicle when traveling outside of the Central Valley. CEO shall not be entitled to mileage reimbursement except for travel outside of California in connection to the services required by Fresno EOC which will be reimbursed at the Fresno EOC-approved standard per mile rate, commencing and concluding at Fresno EOC's main administrative office.

11. TERMINATION OF AGREEMENT

A. Termination by Mutual Consent. This Agreement may be changed, modified, or terminated by mutual written agreement of the CEO and the Board upon thirty (30) calendar days' written prior notice.

B. Termination by CEO. Notwithstanding any other provisions of this Agreement, the CEO shall have the option to terminate this Agreement by providing the Board with a written notice of intent to terminate. This notice shall be provided no less than sixty (60) days prior to said termination date. The Board may, but is not obligated to, waive or reduce the days specified in this section.

C. Termination for Failure to Notify Chair of Finalist Consideration. The CEO shall notify the Chair of the Board in the event that she applies for employment outside of Fresno EOC and is considered a finalist for the position. The Chair shall notify the Board of such notice. Failure to do so shall constitute cause for termination of this Agreement by Fresno EOC.

D. Termination by Board For Cause. This Agreement and the services of the CEO may be terminated by the Board at any time for breach of this Agreement or any of the disciplinary grounds set forth in the policies and procedures established from time to time by the Board and/or Fresno EOC, whether such policies are contained in a salary resolution in effect, or published in a Fresno EOC policy manual, or reflected in practice, procedure, or other written policy of Fresno EOC. The Board shall not terminate this Agreement under this section until a written statement of the grounds for termination has first been served upon the CEO. The CEO shall then be entitled to a conference with the Board at which time the CEO shall be given a reasonable opportunity to address the Board's concerns. The CEO shall have the right, at her own expense, to have a representative of her choice at the conference with the Board. The conference with the Board shall be the CEO's exclusive right to any hearing otherwise required by law.

E. Termination by Board Without Cause. This Agreement and the employment of CEO may be terminated at will, without cause, by the Board by giving at least ninety (90) days' written notice of termination to the CEO.

F. Severance. Should Fresno EOC give notice of termination under Paragraph 11.E., or should Fresno EOC agree to a mutual termination under Paragraph 11.A. above, Fresno EOC will pay CEO severance as provided for in this paragraph. The severance

payment will be in the gross amount equal to twelve (12) weeks' salary, less required or authorized withholdings. CEO's receipt of any severance compensation shall be subject to and expressly conditioned upon CEO's providing a general release of all claims in the form attached hereto as **Exhibit B**. The severance compensation shall be paid in accordance with the terms and timing set forth in **Exhibit B**.

G. **Effect of Termination on Compensation.** In the event of the termination of this Agreement and the employment of CEO, the CEO shall be entitled to the compensation earned by her prior to the effective date of termination as provided for in this Agreement, computed pro rata up to and including that date; CEO shall be entitled to no further compensation as of the date of termination. The date of termination shall be the date specified in the notice of termination or the date that the parties mutually agree to termination; however, if CEO shall, with or without notice of termination by either party, substantially stop performing her duties (except as directed by Fresno EOC when Fresno EOC has given notice of termination), then the date when CEO so stopped performing shall be the date of termination.

12. BINDING ARBITRATION

The CEO and Fresno EOC agree to submit any dispute, claim, or controversy concerning CEO's employment or separation therefrom, or any dispute, claim, or controversy arising out of or relating to any interpretation, construction, performance, or breach of this Agreement to final and binding arbitration. Either party may make a written request to the other for arbitration. Any such request must be made within thirty (30) days of the action giving rise to the dispute. The parties shall make a good faith attempt to select an arbitrator and complete the arbitration with ninety (90) days. The arbitration shall take place in Fresno County, California, unless otherwise agreed by the parties. The arbitrator's fee shall be paid equally by both parties. Each party shall bear its own attorneys' fees and other costs. The arbitrator shall render a written decision and provide it to both parties. The arbitrator may award any remedy or relief otherwise available in court and the decision shall set forth the reasons for the award. The arbitrator shall not have any authority to amend or modify this Agreement. Any arbitration conducted pursuant to this paragraph shall be governed by California Code of Civil Procedure sections 1281 et seq. In the event the parties are unable to mutually agree upon the selection of an arbitrator, a list of seven (7) arbitrators shall be obtained from the California State Mediation & Conciliation Service. The parties shall each strike from the list until one person remains, who shall be designated as the arbitrator. The party to strike first from the list shall be determined by lot.

13. ABUSE OF OFFICE CONVICTION

Notwithstanding any other provision of this Agreement, in the event the CEO is convicted of a crime constituting "abuse of office," the CEO shall reimburse Fresno EOC for salary and monies to the fullest extent mandated by law (e.g., paid leave, criminal defense expenses, cash settlement, etc.). In the event of such conviction, Fresno EOC shall make no payments barred by law.

14. INDEMNITY

Fresno EOC shall defend the CEO from any and all demands, claims, suits, actions, and legal proceedings brought against the CEO in CEO's individual capacity, or official capacity as an agent and employee of Fresno EOC, provided that the incident giving rise to any such demand, claim, suit, action, or legal proceeding arose while the CEO was acting within the scope of employment. Unless there is a finding of criminal action, actual fraud, corruption or actual malice, Fresno EOC shall hold harmless and indemnify the CEO from any and all demands, claims, suits, actions, and legal proceedings brought against the CEO in CEO's individual capacity or in CEO's official capacity as an agent and employee of Fresno EOC, provided that the incident giving rise to any such demand, claim, suit, action, or legal proceeding arose while the CEO was acting within a scope of CEO's employment. Such indemnification and hold harmless shall be for any and all claims arising out of or related to this contract and its provisions, duties and responsibilities of the CEO's job performance, including any extensions of this Agreement.

15. GENERAL PROVISIONS

A. Severability. The terms of this Agreement are contractual and not a mere recital. Should any provision or part of any provision or application thereof be held invalid, the invalidity shall not affect any other provisions or applications of the Agreement which can be given effect without the invalid provision or application, and to this end, the provisions of this Agreement are declared to be severable.

B. Governing Law. This Agreement, and the rights and obligations of the parties, shall be construed and enforced in accordance with the laws of the State of California. Venue shall be in the Fresno County Superior Court or the appropriate federal district court.

C. Administrative Policies and Procedures. The CEO shall be subject to the Administrative Policies and Procedures applicable to employees of Fresno EOC. However, in the event any such policy/procedure is in conflict with the terms of this Agreement, then this Agreement shall apply.

D. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute together one and the same instrument.

E. Entire Agreement. This Agreement contains the entire agreement and understanding between the parties. Any amendment, modifications or variations from the terms of this agreement shall be in writing and shall be effective only upon approval of such amendment, modification or variation by the Boards and the CEO.

IN WITNESS WHEREOF, the parties hereto have duly approved and executed this Agreement on the day and year above written.

ON BEHALF OF FRESNO EOC

Linda Hayes, Chair

I hereby agree to comply with each and every condition thereof, and to perform faithfully all of the duties of employment of Chief Executive Officer of the Fresno County Economic Opportunities Commission.

Date of Acceptance: _____
Emilia Reyes

EXHIBIT A
CEO Position Description

[Insert CEO position description]



Job Title: Chief Executive Officer
Program: Executive Office
Reports To: Board of Commissioners
FLSA Status: Exempt
Grade: EXEC
Job Code: 00249

Revised: 5/26/2021

POSITION SUMMARY

Reports to a supportive and professional Board of Commissioners. This impactful leadership position is responsible for overseeing the administration, program and strategic plan of the organization. Determines and formulates business strategies and policies that align with the needs and objectives of the community. Requires a dynamic, mission-driven leader who is passionate about leading hands-on operations, fostering growth, achieving the agency's philosophy, vision, strategy, goals and objectives, as well as developing and managing the organization. Establishes and maintains effective partnerships and communications with EOC's key constituencies to build collaborative and effective working relationships. Functions as liaison between EOC granters and regulatory agencies and government to ensure adherence to guidelines; Serves as Secretary to the Board.

Oversees the achievement of the agency's vision, "For Those We Serve," by empowering individuals who thrive as healthy, self-sufficient and contributing members of our communities.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Board of Commissioners: Works closely with the Board of Commissioners (BOC) to determine and formulate business strategies and policies that align with the needs of the community.

Indicators/Deliverables

- Meets with the BOC regularly.
- Prepares documentation and ensures the governance of the organization is properly informed.
- Provides the BOC with timely information regarding the local, social and economic environment.
- Assists the BOC in establishing necessary policy and decision making to meet community needs.
- Establishes and maintains effective partnerships and communications with EOC's key constituencies to build effective working relationships. Groups include Board of Commissioners, staff, clients, City and County officials, peer agency leaders.
- Collaborates with the Executive Team to develop and implement plans for the effective and efficient delivery of services to achieve the goals of the Agency.
- Collaborates with the Executive Team to develop and implement plans for the operational infrastructure of systems, processes and personnel to achieve the goals of the Agency.
- Approves Agency operational procedures, policies and personnel needs to ensure successful accomplishment of Agency and program objectives.
- Ensures all practices are consistent and compliant with contracts as well as federal, state and local requirements.
- Acts as spokesperson for the Agency with leaders of all city, county, community groups, program heads and agencies.
- Represents the Agency in maintaining relationships with the State and National Community Action associations.

Fresno EOC Job Description

Chief Executive Officer (00249), Executive Office

- Develops innovative approaches and funding sources for new programs in compliance with the Agency's mission, vision and strategic objectives.
- Responsible for developing an organization that understands, values, and supports diversity in its workforce and utilizes that diversity as a path towards greater impacts in the communities the agency serves.

Fiscal: Provides oversight to the Agency for managing the operation within the established budget guidelines.

Indicators/Deliverables:

- Working collaboratively with the CFO, creates annual budget to be presented to the BOC for approval.
- Reviews financial reports generated by the Finance Office to monitor on-going results and ensure they are in alignment with the budget, organizational goals and objectives.
- Reviews financial information as it relates to each program.

Quality Assurance: Reviews the quality of all reports submitted to funding and any other external sources. Ensures that reports to funding sources are submitted on time.

Indicators/Deliverables:

- Meets with community leaders to insure community engagement and satisfaction.
- Institutes and enforces corrective action plans when needed and monitors compliance.
- Measures outcomes and feedback for the Agency and each service of EOC programs.
- Oversees internal control systems for each program.
- Works with outside consultants to monitor compliance within programs and to ensure all applicable regulations are adhered to.

Supervision: Responsible for supervising assigned staff, interns and volunteers; recruitment, performance management and other personnel processes.

Indicators/Deliverables:

- Effectively manages the Agency according to authorized personnel policies and procedures that fully conform to current laws and regulations.
- Motivates and leads a high-performance Executive Team; provides mentoring as a cornerstone to the management career development program.
- Directly supervises members of the Executive Team.
- Evaluates performance of Executive Team for compliance with established policies and objectives of the company, and contributions in attaining objectives.
- Meets with groups to discuss on-going improvements in their areas of responsibility and programs to enhance service delivery and compliance.
- Effectively manages leadership's adherence to long term and short-term vision and organizational goals.

Other:

- Travels for agency business using personal transportation.
- Works evenings and weekends as required.
- Performs other duties as assigned.

QUALIFICATIONS

To execute this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Fresno EOC Job Description

Chief Executive Officer (00249), Executive Office

EDUCATION:

Must possess a Bachelor's Degree or a degree of higher learning from an accredited college or university.

EXPERIENCE:

- Seven years of experience in an Executive level position.
- Seven or more years of non-profit experience, as well as experience in a multi-ethnic, diverse, environment.

LICENSE REQUIREMENTS:

- Maintain a valid California driver's license, reliable transportation. Adequate auto insurance as required by State law, and insurability by agency carrier for those driving agency vehicles.

KNOWLEDGE/ABILITIES:

- Record of commitment to diversity and advocacy on behalf of social justice for families living in dire circumstances; proven experience working successfully to bring people together in a multi-ethnic diverse environment.
- Strong leadership and interpersonal skills, as well as demonstrated skills in budget, staff and program management in a large organization; ability to effectively manage diverse programs and complex funding streams.
- Systems thinker who is goal driven and a strong advocate for systems and policy change. The ideal candidate will collaborate with their Board to lead courageously, champion new initiatives, push for needed changes, anticipate and solve problems, and be a team player.
- The ideal candidate will be familiar with the structure and management of federally funded programs including Head Start, Early Head Start and WIC.
- Highly skilled in negotiations within the organization and with funding sources and outside partners.
- Experience overseeing large, complex fiscal systems or clear understanding of agency's financial complexity.
- Ability to inspire innovation and initiative.
- Ability to clearly define roles and authority while allowing necessary autonomy in decision-making.
- Capability to inspire trust, motivation, commitment and loyalty to purpose.
- Models and maintains high standards of integrity in professional and personal life.
- Must have positive, dynamic human relations skills.
- Demonstrated success in fiscal and organizational management.
- Must be an articulate communicator and problem solver.
- Has the capacity to develop a vision for the future of the Agency.
- Demonstrated history of active involvement in community and civic activities.
- Occasional out of town travel.
- Proficient in Microsoft Office Suite and related business software.
- Effective presentation, written and verbal communication skills.
- Willing to work non-traditional hours and days to meet the needs of this position.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and talk or hear. The employee must occasionally lift and/or move up to 10 pounds. Specific vision

Fresno EOC Job Description

Chief Executive Officer (00249), Executive Office

abilities required by this job include close vision, distance vision, color vision, and ability to adjust focus. Adapt to the strains of long distance travel, work long hours when necessary and must accommodate a night and weekend schedule if required.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate. Must adapt to a variety of work environments in meeting community responsibility.

Note: *The statements herein are intended to describe the general nature and level of work being performed, but are not to be seen as a complete list of responsibilities, duties, and skills required. Also, they do not establish a contract for employment and are subject to change at the discretion of Fresno EOC.*

| | | | |
|----------------------------------------|-------------|---------------------------------------|-------------|
| Program Approval: _____ Date: _____ | ID #: _____ | Human Resources: _____ Date: _____ | ID #: _____ |
|----------------------------------------|-------------|---------------------------------------|-------------|

EXHIBIT B

SEVERANCE AGREEMENT AND RELEASE

THIS SEVERANCE AGREEMENT AND RELEASE (the "Agreement") is entered into by and between EMILIA REYES ("Employee") and FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION ("Fresno EOC"). Employee and Fresno EOC are sometimes collectively referred to herein as the "Parties" and singularly by their individual names or as a "Party."

NOW, THEREFORE, in consideration of the mutual covenants herein contained, Fresno EOC and Employee hereby agree as follows:

1. **Termination.** The Parties agree to terminate their employment relationship effective _____, 202__ ("Termination Date"). Employee acknowledges that she received all of her final wages, including accrued but unused Annual Leave, through the Effective Date of this Agreement. Employee further acknowledges that the Severance Payment in this Agreement constitutes additional consideration beyond which Employee is entitled to receive.

2. **Severance Payment(s).** As full and final settlement of any claims that Employee may have against Fresno EOC and Fresno EOC's officers, directors, employees, agents and representatives, Fresno EOC will pay Employee severance pay equal to twelve (12) weeks' salary (the "Severance Payment"). The Severance Payment will be payable, in accordance with Fresno EOC's usual payroll cycle, the first installment payment to be made the first payday after the Effective Date of this Agreement. Employee may elect installment payments and designate the number and date of installments by notifying Employee of her election for installment payments. The Severance Payment will be mailed to the last known address for Employee, which is set forth below, unless Employee informs Fresno EOC of a different address for mailing purposes.

3. **Mutual Release.** The Parties release and discharge each other, their agents, employees, officers and board members of and from any claims, or causes of action of any nature and for all liabilities and obligations of every kind and character that either now has, or in the future may have, except claims concerning the knowing or voluntary nature of the Age Discrimination Employment Act waiver contained in Paragraph 4, which are related to Employee's employment or termination of employment with Fresno EOC.

The Parties acknowledge that this release extends to all claims relating to their employment relationship and termination of employment; including, but not limited to, claims for breach of contract; intentional or negligent infliction of emotional distress; breach of an express or implied covenant of good faith and fair dealing; constructive discharge; unlawful discrimination or harassment; and claims arising under the Fair Employment and Housing Act, the Civil Rights Acts of 1866, 1871, 1964, and 1968, the Equal Pay Act, 42 U.S.C. 1982, the Age Discrimination in Employment Act; the Americans With Disabilities Act, the Family and Medical Leave Act, the California Family

Rights Act, the Fair Labor Standards Act, and Chapter 1 of Part 1 of Division 2 of the California Labor Code.

4. **Waiver of Age Discrimination in Employment Act Claims.** The Parties intend that the Employee's release contained in this Agreement shall apply to all claims of any kind against Fresno EOC by Employee. In order to comply with the Older Workers' Benefits Protection Act (29 U.S.C. § 626(f)) and effectuate the release of any potential claims under the federal Age Discrimination in Employment Act, Employee acknowledges and agrees as follows:

4.1 Employee has carefully read and fully understands all of the provisions of this Agreement;

4.2 By entering into this Agreement, Employee is releasing Fresno EOC, and any of its agents, from any and all rights or claims that Employee may have against them, including but not limited to rights or claims that Employee may have under the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 621 *et seq.*);

4.3 Employee is entering into this Agreement freely, knowingly, and voluntarily, and Employee intends to be legally bound by this Agreement;

4.4 Employee has had up to 21 days to consider whether to agree to the terms and conditions set forth in this Agreement (Employee acknowledges that if he signs this Agreement within the 21-day period, that she does so voluntarily and without any request, coercion, promises, or threat by Fresno EOC);

4.5 Employee has been advised and hereby is advised in writing to consider the terms of this Agreement and consult with an attorney of her choice prior to signing the Agreement; and

4.6 For a seven (7) day period following her execution of this Agreement, Employee may revoke this Agreement by delivering a written revocation to the Chair of the Board of Directors of Fresno EOC, and this Agreement shall not become effective or enforceable until the revocation period has expired.

4.7 Employee understands that rights or claims under the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 621, *et seq.*) that may arise after the date this Agreement is executed are not waived.

5. **Waiver of Unknown Claims.** The Parties waive the provisions of Section 1542 of the California Civil Code, which reads as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if

known by him or her, would have materially affected his or her settlement with the debtor or released party.

By entering into this Agreement, the Parties understand that each is waiving all claims, known or unknown, relating to the Employee's employment or termination of employment, or actions or omissions as a director or officer, with Fresno EOC.

6. **No Inducement.** Employee warrants and represents that she has not relied on any inducements, promises, or representations made by any party or its representative, or any other person, except for those expressly set forth in this Agreement.

7. **Proprietary Information.** Employee agrees to promptly return all of Fresno EOC's property, including, but not limited to financial data, books, diaries, calendars, budgets, or other records whether maintained in written documents or on computer discs; keys, credit cards, or other equipment or property of Fresno EOC. Employee acknowledges she has had access to confidential and proprietary information including, but not limited to, financial data, customer lists and methods of operations, which are owned by Fresno EOC and cannot be divulged or disseminated to third-parties, including competing businesses. Return of all such property of Fresno EOC is a condition of receiving any Severance Payment specified for in this Agreement.

8. **Binding Effect.** This Agreement shall bind and inure to the benefit of all successors, assigns, and heirs of the Parties.

9. **Further Assurances.** The Parties further agree to execute such other instruments or documents or take such further action as the other may reasonably request to carry out the intent of this Agreement and any instruments to be delivered in connection herewith, and to assure to each the full benefit of this Agreement and such instruments.

10. **Entire Agreement.** This Agreement states the entire agreement between the Parties and supersedes any prior agreement, negotiation or understanding. Each Party acknowledges and agrees that neither the other Party, nor its agents, have made any promise, representation or warranty, express or implied, not set forth in this Agreement.

11. **Severability.** If any part of this Agreement is found to be invalid or unenforceable, that part shall be deemed surplusage and the remainder of this Agreement shall be enforced in accordance with its terms.

12. **Modification.** This Agreement may not be altered, amended or modified, except by a writing executed by duly authorized representatives of all Parties. Any modification to the terms of this Agreement, whether material or immaterial, will not restart the running of the 21-day consideration period specified in Paragraph 4.4.

13. **Construction.** Should any paragraph, clause or provision of this Agreement be construed to be against public policy or determined by a court of competent jurisdiction to be void, invalid or unenforceable, such construction and decision shall affect only those paragraphs, clauses or provisions so construed or interpreted, and shall in no way affect the remaining paragraphs, clauses or provisions of this Agreement, which shall remain in force.

14. **Governing Law and Venue.** This Agreement and the rights and obligations of the Parties hereto shall be governed in all respects, including validity, interpretation and effect, by the laws of the State of California (without giving effect to its choice of law principles). All disputes arising out of this Agreement shall be subject to the exclusive jurisdiction and venue of the California state courts of Fresno County (or, in the case of exclusive federal jurisdiction, the United States District Court for the Eastern District of California (Fresno)) and both Parties consent to the personal and exclusive jurisdiction and venue of these courts.

15. **Counterparts.** This Agreement may be signed by the Parties in different counterparts and the signature pages combined to create a document binding on all Parties.

16. **Effective Date.** This Agreement will become effective after the expiration of the revocation period specified in Paragraph 4 above (that is eight (8) days after Employee signs and delivers a copy of this Agreement to Fresno EOC).

“Employee”

EMILIA REYES

Signature: _____

Date: _____

Address: _____

“Fresno EOC”

**FRESNO COUNTY ECONOMIC
OPPORTUNITIES COMMISSION**

By: _____

Title: _____