

MEETING NOTICE

DATE: September 9, 2016
TIME: 10 a.m. to 12 noon
PLACE: Placer County
Maidu Community Center
1550 Maidu Drive
Roseville, CA 95661



AGENDA

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. COMMENTS FROM THE PUBLIC:

The Governing Board welcomes comments on any agenda item as it is addressed. Individuals will be limited to five minutes; fifteen minutes for a representative of a group. Comments may be made on any subject not on the agenda. The specific time limit will be established based on the number of persons wishing to speak, for a total of fifteen minutes per subject.

IV. CONSENT CALENDAR:

Consent items are expected to be routine and noncontroversial. The Governing Board will act upon them at one time without discussion unless any Board member, staff member or member of the public requests that an item be removed from the consent calendar for discussion.

- A. Adoption of Agenda
B. Approve 8/12/16 Minutes

V. CORRESPONDENCE

- A. Email Re: JPA and Subcommittee Membership

VI. ACTION ITEMS

- A. Approve Distribution of Unassigned Funds for 2016-17 Only
B. Approve Joint Program Evaluation Committee Recommendations
C. Approve Governing Board Rules of Procedure

VII. PRESENTATION

- A. Introducing the AAA4 Long Term Care Ombudsman Program, by Rose Chrisman, Program Coordinator

VIII. DISCUSSION

- A. The RFP Status of AAA4's Mature Edge Job Readiness Program: Part 2

IX. REPORTS

- A. Executive Committee
B. Audit/Finance Committee
C. Area Plan Committee
D. Legislative Committee
E. Executive Director

X. ANNOUNCEMENTS/FUTURE AGENDA ITEMS

XI. ADJOURNMENT

Committee Meetings

Executive Committee.....9:00 a.m. – 9:30 a.m.
Audit/Finance.....9:30 a.m. – 10:00 a.m.

Please visit www.agencyonaging4.org for additional information.

**MEETING NOTICE**

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Board members' enclosures:

1. Consent Items:
  - A. Agenda
  - B. Minutes – 8/12/16
  
2. Action Items:
  - A. Approve Distribution of Unassigned Funds for 2016-17
  - B. Approve Joint Program Evaluation Committee Recommendations
  - C. Approve Governing Board Rules of Procedure
  
3. Attachments:
  - A. Service Provider Activity Report
  - B. Performance Chart
  - C. Governing Board Rules of Procedure Final Draft
  - D. Correspondence - Email Re: JPA and Subcommittee Membership
  - E. Map

If you need a disability-related reasonable accommodation to participate in this meeting, please contact Tai Love at (916) 486-1876, or [tlove@agencyonaging4.org](mailto:tlove@agencyonaging4.org) at least 3 days in advance with your accommodation request. Every effort will be made to accommodate. However, we cannot guarantee we will be able to honor requests received less than 3 days in advance.

**AGENCY ON AGING \ AREA 4**  
**GOVERNING BOARD**  
 Meeting Minutes

Date: August 12, 2016

Location: Nevada County, Eric Rood Center

**I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**

Nate Beason, Chair called the regular meeting of the *Agency on Aging \ Area 4 (AAA4)* Governing Board to order at 10:00 a.m. and welcomed members Supervisor Lee Adams (Sierra County) and Dan Farrington (Sierra County) and guests to the meeting.

Following the pledge of allegiance, Becky Bowen, Secretary called the roll. There was a quorum.

County	GB Members Present – 13	Absent – 4
Nevada	Supv. Beason, A. Burton	
Placer	Luce	Gustafson (E)
Sacramento	Milner-Krugman, C. Burton, Karpinski-Costa, Sawamura	Supv. Notolli (E)
Sierra	Supv. Adams, Farrington	
Sutter	Bowen	Rhoades (E)
Yolo	Pennebaker	Allen (E)
Yuba	Supv. Fletcher, Parent	

**AAA4 Staff Present:** Pam Miller, Will Tift, Dave Soto, Mike Selland, Jane Stan, Janeen Thorpe, Maggie Borowiak and Tai Love.

**Guests Present:** Sandy Jacobson *Gold Country Community Services*, Kelly Beede *Town of Truckee*, David Morikawa *Meals on Wheels by ACC*, Sarah Deardorff *Sierra Senior Services*

**II. PLEDGE OF ALLEGIANCE**

**III. COMMENTS FROM THE PUBLIC**

Nate Beason invited comments from the public on any agenda item as it is addressed, and explained that in the interest of time, comments will be limited to 5 minutes for individuals, 15 minutes for group presentations. He stated that comments regarding non-agenda items may be made following the business portion of the meeting.

**IV. CONSENT CALENDAR**

Consent items are expected to be routine and noncontroversial. The Governing Board will act upon them at one time without discussion unless any Board member, staff member or member of the public requests that an item be removed from the consent calendar for discussion.

Adoption of Agenda, Approval of 7/8/16 minutes, Job Descriptions, Resolutions #244, #245, #246 and Revised AAA4 Employee Handbook and AAA4 Personnel Policies and Procedures Manual  
 Nate Beason asked for a motion to accept the consent calendar including adoption of the agenda approval of the 7/8/16 meeting minutes, Job Descriptions, Resolutions #244, #245, #246 and Revised AAA4 Employee Handbook and AAA4 Personnel Policies and Procedures Manual.

**A motion was moved/seconded, Maxine Milner Krugman/Miko Sawamura, to approve the consent calendar including adoption of the agenda, approval of the 7/8/16 meeting minutes, Job Descriptions, Resolutions #244, #245, #246 and Revised AAA4 Employee Handbook and AAA4 Personnel Policies and Procedures Manual. Motion passed by consent.**

## V. CORRESPONDENCE

- None.

## VI. ACTION ITEMS

### A. Approve Parity Percentages for the 2017-2021 RFP

Agency on Aging \ Area 4 determines how funding is distributed to our seven counties using the same formula used by the California Department of Aging (CDA) known as Parity. The formula computes a specific percentage based on demographic information for each county.

Currently, the parity percentage for Sierra County is fixed at 1.17%. Staff project that the parity pool will total about \$5.3 million for the 2017-19 RFP, producing a total of \$62,010 for Sierra County. Inc. Senior Citizens of Sierra County, the main recipient of these funds providing Senior Information & Assistance (\$14,909) and the Elderly Nutrition Program (\$42,416) has requested a little under \$20,000 in additional funding for the upcoming RFP cycle. The additional funding would allow Inc. Seniors to increase advertising, outreach and provide additional informational workshops, as well as increase salaries.

Will Tift, referring to the charts illustrating the estimated financial impact, explained that the Governing Board is being asked to consider an increase to the overall parity allocation for Sierra County. There was additional discussion of parity.

**A motion was moved/seconded, Eldon Luce/Miko Sawamura not to increase the parity percentage for Sierra County for the FY 2017-19 RFP based on an insufficient financial justification. Motion passed by unanimous roll call vote.**

### B. Change the 2017-2021 RFP Funding Cycle to a 2 Year Cycle with a Renewal Option for 2 Additional Years

Will Tift mentioned that the Area Plan Committee has supported the idea of a 2-year funding cycle followed by an option for 2-year renewal without the need for funded partners to reapply or re-compete.

He further explained that a 2-year renewal will provide a neutral and/or positive alternative if the Board decided to change direction in an effort to achieve better outcomes. The option of a 2-year renewal provides an opportunity to implement changes to, give AAA4 and the Governing Board more flexibility and to inform all applicants their programs would be subject to reevaluation halfway through the 4-year period.

Will also stated that staff's expectation is that all such contracts in good standing would be renewed unless the Board took specific action to exclude a service category and potentially re-open competition.

**A motion was moved/seconded, Eldon Luce/Chris Parent, to approve change of the 2017-2021 RFP funding cycle to a 2-year cycle with a renewal option for 2 additional years. Motion passed by roll call vote.**

### C. Approve a Plan for the Delivery of Legal Services in Sierra County

Will Tift explained that for many years, AAA4 has issued Request for Proposals (RFPs) requiring that any organization interested in providing Legal Services in Nevada County must also provide those services in Sierra County. The Mother Lode Office of Legal Services of Northern California (LSNC) has been the provider of these services for the last few years. In May 2016, the AAA4 Governing Board discontinued this arrangement with LSNC Mother Lode due to the disparity of funds and the lack of assistance provided to Sierra County residents. This action creates a potential gap in service, thus, an alternative approach to fully serve Sierra is being sought.

The lack of ongoing local Information re: legal services seems to be a central problem. AAA4 staff suggest that Inc. Senior Citizens of Sierra County, which provides local Senior Information & Assistance, receive supplemental funds to raise awareness of the availability of legal advice, counseling and representation that would not normally be available to local residents.

After additional discussion, it was suggested that staff explore the true need for legal services in Sierra County.

**A motion was moved/seconded, Chris Parent/Supv. Randy Fletcher, to direct AAA4 staff to further investigate the need and feasibility for the provision of legal services, as well as the method for providing legal services in Sierra County. AAA4 staff will report their recommendations to the Governing Board. Motion passed by roll call vote.**

## **VII. DISCUSSION/INFORMATION**

### **A. The RFP Status of AAA4's Mature Edge Job Readiness Program**

Will Tift discussed the AAA4 Mature Edge Job Readiness Program, mentioning that AAA4 has funded this program for many years with parity dollars from Title IIIB. The Mature Edge Job Readiness Program is unique as it offers a series of interactive job readiness sessions preparing the mature worker for a productive and successful job search. The program is free and open to anyone 60 years of age and older residing in Sacramento, Placer, Yolo, Nevada, Sierra, Sutter or Yuba County.

Will noted that in an effort to be transparent, all direct services will be subject to competitive bid. Following additional discussion, members requested program projections for the next year.

### **A. The RFP Status of AAA4's Dine Around Town and Yuba –Sutter Meals on Wheels Programs**

Will mentioned that AAA4 intends to go out to RFP for both the Yuba –Sutter Meals on Wheels and Dine Around Town Programs. Applicants would need to demonstrate how they could provide service in a preferable manner (i.e., more efficient, higher quality and/or lower cost).

## **VIII. REPORTS**

### **A. Executive Committee**

Miko Sawamura reported that the committee met this morning to review and discuss the agenda. There were no changes made to the agenda.

### **B. Audit/Finance Committee**

Mike Selland reported that the Direct Services Budget to Actual Expenditures as of June 30, 2016 are as follows: Expenditures were 96.10% through 100%, or 12 months of the fiscal year. Spending was under budget by \$89,963. Contracted services were 99.42% through 100%, or 12 months of the fiscal year. Spending was under budget by \$39,924. Bank balances as of June 30, 2016 are: Checking \$293,709, Money Market \$825,096 for a total of \$1,118,805.

### **C. Area Plan Committee**

Will reported that the committee met July 15. County Workgroups are continuing to meet and are preparing recommendations for the upcoming RFP. The committee discussed hosting Public Hearings in October. The next full meeting is tentatively scheduled for November.

### **D. Personnel Committee**

Pam Miller reported that the committee met to discuss and finalize the employee handbook, draft personnel policies and procedure manuals as well as the Ombudsman job descriptions.

### **E. Legislative Committee**

Pam Miller reported that there was no prior meeting, therefore nothing to report. The next meeting will be August 18 in Sutter County.

### **F. Executive Director**

Pam Miller acknowledged and welcomed new AAA4 staff members Janeen Thorpe (Regional Services Specialist), Rose Chrisman (Ombudsman Services Coordinator). The Ombudsman staff are moved in and settled in the new office on the 3<sup>rd</sup> floor. There will be a pilot training with 4 volunteers to start and more volunteer recruitment and training following.

She mentioned that the Hub & Spoke Model is not a new concept to AAA4 and is currently practiced by Del Oro Caregiver Resource Center as well as the Yuba-Sutter Meals on Wheels.

Referring to the RFP process, she explained that past practice consists of staff developing the RFP, proposals are reviewed by staff and committee members. Pam stated that she would like to be more inclusive with the process, encouraging Advisory Council and Governing Board members to attend meetings concerning the development of the entire RFP packet to provide input.

AAA4 Staff attended the 2<sup>nd</sup> Annual Long Term Care Services and Support Conference in Grass Valley. This was a joint venture between FREED and the Agency on Aging \ Area 4 through the ADRC. The event was highly attended and greatly supported. Staff member Gina Cabrera has been calling conference attendees to gather feedback from the event for future planning.

Pam announced that AAA4 has registered as a Non-Profit agency with Amazon Smile under Amazon which will donate 0.5% of the price of your eligible Amazon Smile purchases to the charitable organization of your choice. Log on to <https://smile.amazon.com/> and follow the instructions.

Several staff attended the N4A Conference in San Diego July 24 – July 28. The conference provided a great bonding experience with staff and included helpful information pertaining to best practices in healthy aging, advocacy, and innovative programs.

Pam thanked Board member Andrew Burton (Nevada County) for producing generic business cards for members to use when out in the field. Please email Pam Miller if you would like to receive cards.

## **XI. ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

Nate Beason mentioned that the RSVP program in Nevada County can hopefully be transitioned to an outside provider and partner with the local One Stop to implement a job readiness program. The Board may be approached at a future date with a letter of support pertaining to RSVP. The idea is to transition the program to another agency that will be able to sustain the program as opposed to allowing the program to fail.

## **X. ADJOURNMENT**

With no further business, the meeting was adjourned at 11:40 am.

**ACTION ITEM VI. A.**

**TO:** AAA4 Governing Board  
**FROM:** Pam Miller  
**DATE:** September 2, 2016  
**SUBJECT:** Approve Distribution of Unassigned Funds for SFY 2016-17 Only

Now that new parity percentages have been established, Area 4 staff have calculated how funds that are currently unassigned can be distributed in such a way as to minimize overall fiscal impacts to each County when we transition from one Request for Proposal (RFP) contract cycle to the next on July 1, 2016. In other words, if approved, the total awards by County will be increased to closely match the total awards now projected to be available by County under the 2017-19 RFP.

**This action item only pertains to the use of unassigned dollars through June 30, 2016.** How these funds will be used beginning July 1, 2016 is a separate, community-centered question that currently rests with the ad hoc County Workgroups and that will ultimately be answered by this Governing Board three months from now on December 9.

The bulk of the unassigned funds originate from Congressional budget increases enacted in December 2015 and set to first arrive at AAA4 this month. These are ongoing funds in the amounts of \$150,000 for Nutrition Services (Title III-C) and \$29,392 for Caregiver Services (Title III-E). In addition, \$30,000 that had previously been allocated for a discontinued grandparent program in Placer County are being returned to the parity pool. These are Caregiver funds, and they are also ongoing.

DISTRIBUTION PLAN:	Nevada	Placer	Sacramento	Sierra	Sutter	Yuba	Yolo	PSA 4
Current Parity Funding	\$ 415,640	\$ 906,265	\$ 3,168,298	\$ 62,015	\$ 266,010	\$ 194,832	\$ 414,397	\$ 5,427,457
Congregate Meal \$	\$ 5,032	\$ 28,502	\$ 31,093	\$ 2,576	\$ -	\$ -	\$ 15,438	\$ 82,641
Home Delivered Meal \$	\$ 2,656	\$ 30,046	\$ 32,789	\$ 1,360	\$ (4,460)	\$ (3,179)	\$ 8,148	\$ 67,361
Caregiver \$	\$ -	\$ 14,055	\$ 15,337	\$ -	\$ -	\$ -	\$ -	\$ 29,392
Added Caregiver \$	\$ -	\$ 14,345	\$ 15,655	\$ -	\$ -	\$ -	\$ -	\$ 30,000
New Parity Funding	\$ 423,328	\$ 993,213	\$ 3,263,172	\$ 65,951	\$ 261,550	\$ 191,653	\$ 437,983	\$ 5,636,851

Area 4 staff used a five-step method to arrive at the recommended distribution plan above. First, a portion of the unassigned funds were used to erase existing parity shortfalls in Placer, Sierra and Yolo counties. Second, no additional funds were awarded to Yuba and Sutter counties due to existing parity overages. Third, the unassigned Caregiver funds were only split between Placer and Sacramento counties based upon their parity shares of the incoming dollars. No caregiver programs exist in Nevada or Sierra counties, and the sole caregiver provider in Yolo County will be reducing its current A4 award due to lower than expected performance last year. Fourth, \$75,000 in Home Delivered Meals funds was divided between all seven counties because it is within the Yuba-Sutter Meals on Wheels program budget where the necessary reductions can be made in both counties. Fifth, the Congregate Meal funds were divided between Nevada, Placer, Sacramento,

Sierra and Yolo as needed to reach the correct parity shares of a new parity pool that totals \$5,636,851 across all Older Americans Act Titles.

Where multiple service providers exist within a single County, A4 Staff suggest the dollars be allocated to all providers in Good Standing proportionately, based upon their current baseline A4 awards. Staff also suggest nutrition providers be allowed to transfer their individual shares of funds between Congregate and Home Delivered Meals within the established parameters and that caregiver providers be allowed to determine how to allocate their individual shares of funds both within and between the Caregiver Support and Caregiver Respite categories.

This action item requires a roll call vote.



**ACTION ITEM VI. B**

**TO:** A4AA GOVERNING BOARD  
**FROM:** Joint Program Evaluation Committee  
**DATE:** August 26, 2016  
**SUBJECT:** JPEC Recommendations

**Discussion**

The Joint Program Evaluation Committee (JPEC) met on August 26 to address current compliance issues and to review year-end performance for all AAA4-funded programs for SFY 2015-16 (July 1 through June 30).

There are 26 recommendations for Board action, and they are detailed in the final pages of the attached Service Provider Activity Report (see items A<sup>4</sup> – Z<sup>4</sup>). Also attached for your review is the complete Year-End Performance chart.

Should new, salient information become available during the 14 calendar days between the JPEC meeting and the Board meeting, staff will provide that information to the Board.

## SERVICE PROVIDER ACTIVITY REPORT

### SFY 2015-16: FOURTH QUARTER PERFORMANCE (July - June)

### AND YEAR-TO-DATE UPDATES ON OTHER MATTERS

Compiled August 22, 2016

**Revised August 26, 2016**

The scope of this report may include events that occurred during State Fiscal Year (SFY) 2014-15 to date; it will also include future events that occur between now and the end of each provider's full contract cycle.

#### I. **OUTSTANDING ACHIEVEMENT**

*Until discussions about the Sanctions Policy have concluded, A4 staff recommend the method for recognizing Outstanding Achievement among service providers continue to be postponed.*

#### II. **OPEN MATTERS**

NEW: Inc. Senior Citizens of Sierra County (Sierra)

This program appears to be having administrative difficulties.

NEW: Nevada County 211 (Nevada)

This program spent just 61% of their funds; leaving \$16,302 unspent in SFY 2015-16 while exceeding their scope of service.

UPDATE: California Caregivers (Sacramento County)

Previously, this program had been placed on **PROBATION** due to serious audit findings. Although A4's initial requirements were met and Probation was lifted, audit and insurance issues have recently resurfaced.

ONGOING: Caring Choices, Health Promotion – Home Meds (Placer)

This program remains on **Watch** due to low performance through three quarters.

ONGOING: Cordova Neighborhood Church, Caregiver Respite (Sac County)

This program remains on **Watch** due to low performance through three quarters.

UPDATE: Del Oro Caregiver Resource Center, Assessment & Case Management & Respite Services (Placer, Sacramento & Yolo)

These programs remain on **Watch** due to low performance through three quarters.

UPDATE: LSNC Mother Lode Office, Legal Advice & Counseling (Sierra)

This program was discontinued in April due to unsatisfactory performance; however, an alternate provider has not yet been secured.

RESOLVED: Paratransit Services, Transportation Program (Nevada)

**Watch** status was removed in April due to satisfactory performance.

RESOLVED: PIRS, Home Modification Program (Placer)

**Watch** status was removed in April due to satisfactory performance.

RESOLVED: Rebuilding Together, Home Modification Program (Sac County)

**Watch** status was removed in April due to satisfactory performance.

NEW: LSNC Mother Lode Office, Legal Advice & Counseling (Nevada)

Last quarter, this program was placed on **Watch** due to low performance through three quarters.

NEW: Mature Edge, Employment Activities (Placer)

Last quarter, this program was placed on **Watch** due to low performance through three quarters.

### III. **UPDATE on NEW PROVIDERS/PROGRAMS**

This fiscal year, Caring Choices introduced the HomeMeds Medication Management Program in Placer County. Despite unforeseen circumstances and a very slow start, this agency took extraordinary measures to finish the year at 85% of the contracted scope of service.

### IV. **IMPACTED SERVICES**

*No report at this time.*

### V. **COMPLIANCE (Not including Units of Service)**

California Caregivers is currently out of compliance with A4's insurance requirements and has had some difficulty retaining an independent firm to complete their audit. Both matters are being addressed by A4 Staff.

Area 4 data, contract and fiscal staff report all other active, AAA4-funded service providers are currently in compliance.

## VI. PERFORMANCE (Units of Service Only)

Initially, the number of service units to be provided during the contract period are set by successful RFP applicants or renegotiated between Area 4 staff and the service provider before a contract is executed.

In accordance with past direction from JPEC, just three classifications have been used to sort performance levels for individual programs:

<b>125% or More =</b>	<b>Above-Range Performance</b>
86% – 124% =	Within-Range Performance
<b>85% or Less =</b>	<b>Below-Range Performance</b>

The figures in the attached chart are the cumulative, year-end results for the State Fiscal Year (July 1, 2015 through June, 30 2016).

The Performance Chart also lists award amounts and costs per unit for each line item as appropriate. The “A4 Annual Award” is also referred to as the contracted award amount; it is the maximum dollar amount the service provider can request in reimbursements during the term of the contract agreement. Service providers usually expend all of the available funds by June 30.

The “A4 Annual Cost/Unit” is simply the maximum annual award divided by the total number of units the program has agreed to provide during the fiscal year. It can also be thought of as the average rate Area 4 has agreed to pay for services; however, it is important to keep in mind these are NOT performance-based contracts. Service providers are reimbursed for their allowable costs, not for the number of units they provide – hence the need for simultaneous monitoring of program performance and spending.

Again, the A4 Annual Cost/Unit is shown as a flat rate, based on the assumption the program will provide all of the contracted units. If the year-to-date or year-end performance for a particular program happens to be

exactly 100%, then the units were provided exactly as planned. Precision can be very difficult to achieve, so some degree of variance is expected.

When year-to-date or year-end performance is above 100%, then the provider has been operating at a lower A4 cost/unit than originally negotiated. This might indicate a conservative scope of service or better-than-expected efficiencies; it might also indicate cost-cutting measures or a dilution of service quality. Thus, significant above-range performance is not necessarily a sign of positive outcomes.

Conversely, when year-to-date or year-end performance is below 100%, then the provider has been operating at a higher A4 cost/unit than originally negotiated. This

might indicate an optimistic scope of service or unexpected losses of efficiency; it might also indicate an investment of resources or an enhancement in service quality. Thus, significant below-range performance does not necessarily suggest an undesirable outcome.

## **VII. QUALITY ASSURANCE**

AAA4 is not aware of any quality assurance concerns at this time.

## **VIII. NEXT STEPS**

The recommendations made by JPEC will be noted below and sent to the Governing Board. Affected service providers are welcome to attend either or both meetings and will have an opportunity to briefly speak prior to votes being cast.

The A4 Staff suggestions below are based upon relevant information available at the time, and Staff suggestions are subject to change. Members of JPEC are not obligated to accept suggestions from staff or requests from service providers.

Item	A4 Staff Suggestions for JPEC action	JPEC Recommendation
A <sup>4</sup>	California Caregivers provides In-Home Personal Care in Sacramento County (row #2) and finished the year at 102%. <b>This provider is out of compliance with audit and insurance requirements. Consequently, they are not in good standing, and AAA4 cannot execute their service contract for SFY 2016-17 and cannot reimburse them for services rendered since July 1, 2016 until they return to good standing.</b>	<b>The committee concurs that the provider needs to return to good standing.</b>
B <sup>4</sup>	The new Caring Choices: Home Meds Program in Placer County finished the year Below-Range at 85% (#3); the provider declined a scope reduction at the end of the third quarter. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
C <sup>4</sup>	Community Link's 211 Sacramento program finished the year Above Range at 131% (#4). <b>Staff suggest an increase in scope be considered.</b>	<b>Accept staff suggestion.</b>
D <sup>4</sup>	The Cordova Neighborhood Church: Respite Program in Sacramento County finished the year at 81% (#5); the A4 Board has already authorized a scope reduction for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
E <sup>4</sup>	Inc. Senior Citizens of Sierra County is based in Loyalton and has provided Senior Information & Assistance (#8), Congregate Meals (#63) and Home Delivered Meals (#64) for many years; they finished the year above 116% in all categories. Nevertheless, in recent weeks A4 staff have become aware of several internal issues which suggest administrative difficulties exist. <b>Staff suggest a letter be sent to the Governing Body of Inc. Seniors, requesting that a written business/organizational plan be submitted to Area 4 which addresses the sustainability of the aforementioned services.</b>	<b>Accept staff suggestion.</b>
F <sup>4</sup>	LSNC's Legal Program for Sacramento County (#9) finished the year Above Range at 197%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion due to recent staffing changes.</b>
G <sup>4</sup>	Nevada County's 211 program finished the year Above Range at 128% (#11). <b>Given this provider left 39% of their annual award unspent, staff question whether this provider needs their full award in SFY 2016-17.</b>	<b>Place provider on Watch and direct A4 staff to closely monitor their budget allocations.</b>
H <sup>4</sup>	Paratransit Services, Gold Country LIFT in Nevada County (#12) finished the year at 214%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>

Item	A4 Staff Suggestions for JPEC action	JPEC Recommendation
I <sup>4</sup>	The PIRS Home Repair/Modification program in Placer County (#13) finished the year at 144%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
J <sup>4</sup>	The Rebuilding Together Home Repair/Modification program in Sacramento County (#14) finished the year at 111%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status be removed.</b>	<b>Accept staff suggestion.</b>
K <sup>4</sup>	The Caring Choices Caregiver Respite program for Yuba County (#19) finished the year Above Range at 125%. <b>Staff suggest an increase in scope be considered.</b>	<b>Accept staff suggestion.</b>
L <sup>4</sup>	The Caring Choices Health Promotion – CTI program in Sutter County (#20) finished the year at 144%. <b>This program ended on June 30, thus no action is needed.</b>	<b>Accept staff suggestion.</b>
M <sup>4</sup>	The Sierra Senior Services Home Delivered Meals program for Nevada County finished the year Above Range at 142% (#26). <b>Staff suggest an increase in scope be considered.</b>	<b>Accept staff suggestion.</b>
N <sup>4</sup>	The Tahoe Transportation District’s program for Placer County finished the year Below Range at 85% (#29); however, the provider did not expend all of their funds. <b>Staff suggest this program be placed on Watch Status.</b>	<b>Accept staff suggestion.</b>
O <sup>4</sup>	The Yuba-Sutter Legal Center for Seniors’ Legal program for Sutter County finished the year Above Range at 127% (#34). <b>Staff suggest an increase in scope be considered.</b>	<b>Do not change the scope of service.</b>
P <sup>4</sup>	FREED’s Home Modification Program for Sierra County (#37) is at 333%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
Q <sup>4</sup>	LSNC’s Legal Program for Nevada County (#40) finished the year Below Range at 85%. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
R <sup>4</sup>	The Area 4 Mature Edge: Job Readiness Program for Nevada County (#43) finished the year Above Range at 140%. <b>Staff suggest an increase in scope be considered.</b>	<b>Do not change the scope of service.</b>
S <sup>4</sup>	The Area 4 Mature Edge: Job Readiness Program for Placer County (#44) finished the year Below Range at 82%. <b>Staff suggest an increase in scope be considered and Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>

Item	A4 Staff Suggestions for JPEC action ( <i>continued</i> )	JPEC Recommendation
T <sup>4</sup>	The Area 4 Mature Edge: Job Readiness Program for Yuba and Sutter counties (#47 & #48) finished the year Below Range at	<b>Accept staff suggestion.</b>

	55%. <b>Staff suggest the scope be decreased and Watch Status remain in effect.</b>	
U <sup>4</sup>	Del Oro Caregiver Resource Center's programs in Placer County (#51 – #53) finished the year with mixed results; the A4 Board has already authorized a scope reduction for 2016-17. <del>Staff suggest Watch Status remain in effect.</del>	<b>Remove Watch Status.</b>
V <sup>4</sup>	Del Oro Caregiver Resource Center's programs in Sacramento County (#54 – #56) finished the year with mixed results; the A4 Board has already authorized a scope reduction for 2016-17. <del>Staff suggest Watch Status remain in effect.</del>	<b>Remove Watch Status, and consider a scope increase for row #54 (Caregiver Assessment).</b>
W <sup>4</sup>	Del Oro Caregiver Resource Center Programs in Yolo County (#57 & #58) finished the year Below Range; the A4 Board has already authorized a scope reduction for 2016-17 and a reduction in funding is pending. <del>Staff suggest Watch Status remain in effect.</del>	<b>Remove Watch Status.</b>
X <sup>4</sup>	The Gold Country Community Services HDM program for Nevada County (#61) finished the year Above Range at 126%. <del>Staff suggest an increase in scope be considered.</del>	<b>Do not change the scope of service.</b>
Y <sup>4</sup>	The Inc. Seniors HDM program for Sierra County (#64) finished the year Above Range at 137%. <del>Staff suggest an increase in scope be considered.</del>	<b>Do not change the scope of service.</b>
Z <sup>4</sup>	Lilliput's Grandparent Community Education program in Sacramento County (#66) is at 173%; the A4 Board has already authorized a scope increase for 2016-17. <b>Staff suggest Watch Status remain in effect.</b>	<b>Accept staff suggestion.</b>
AA <sup>4</sup>	As to the balance of programs from row #1 through row #73 that have not been cited in this table above, <b>Staff suggest no action be taken at this time.</b>	<b>No action needed.</b>
AB <sup>4</sup>	The programs listed in rows #701 through #909 are shown for informational purposes only. Legal providers cannot control the demand for legal representation; therefore, AAA4 tracks but does not evaluate providers on that service unit. Primary performance measures for Ombudsman and HICAP Services are directly monitored and evaluated by the State of California. AAA4 Staff will continue to work with HSNC to develop county-level targets.	<b>No action needed.</b>

**Meeting Notes:**

***Committee Members Present: Dr. Jayna Karpinski-Costa (Chair), Becky Bowen, Seth Brunner, Carl Burton, Dr. Irwin Herman and Chris Parent.***

***Programs Represented: Michelle Nevins, Del Oro Caregiver Resource Center and Herb Whitaker, Legal Services of Northern CA: Mother Lode Office.***



**ACTION ITEM VI. C.**

**TO:** A4AA GOVERNING BOARD  
**FROM:** Bylaws Committee  
**DATE:** September 2, 2016  
**SUBJECT:** Approve Governing Board Rules of Procedure

**Discussion**

Approval of the Rules of Procedure was tabled at the December 2015 meeting due to concerns around conflicts with original language in the Joint Powers Agreement of 1984. Those concerns have now been addressed by County Counsel, so the Committee is ready to move forward.

The latest changes contained in this fifth draft of the document are highlighted in teal.

The Committee is ready to entertain a motion for approval of the entire document as attached.

# AREA 4 AGENCY ON AGING GOVERNING BOARD RULES OF PROCEDURE

Area 4 Agency on Aging (d.b.a. Agency on Aging \ Area 4) is a Joint Powers Authority authorized to carry out the functions and responsibilities of the area agency. These Rules of Procedure are adopted by the Area 4 Agency on Aging (A4AA) Governing Board for the governance of the said agency, a Joint Powers Authority (JPA) established by the Counties of Nevada, Placer, Sacramento, Sierra, Sutter, Yolo and Yuba, of the State of California. These Rules of Procedure are governed by and are supplemental to the Agreement for Joint Exercise of Powers among said counties, dated March 1, 1983, and as amended from time to time. Matters set forth in the JPA document may be, but are not necessarily, duplicated in these Rules of Procedure. In the event of any conflict between the terms of the JPA and these Rules of Procedures, the terms of the JPA shall govern.

## SECTION 1. NAME/PURPOSE

1.1 The official name of this body, created by a mandate of the Federal Older Americans Act of 1965 (OAA), shall be Area 4 Agency on Aging (A4AA) Governing Board.

1.2 The OAA requires that Area Agencies on Aging prepare an annual update of the Area Plan, or "blueprint" for action, that provides information about the agency, including its Planning and Service Area (PSA), governance, program funding, budget, goals and program development, and coordination objectives.

In accordance with provisions of Title III of the OAA, as amended, the A4AA Governing Board serves the following purposes:

1.2.1 Responsibilities:

1.2.1.1 Establish all policy(s);

1.2.1.2 Establish procedural rules for expenditures and obligation and conditions on the use of funds;

1.2.1.3 Enter into and administer contracts and subgrants for the purpose of the OAA and all other pertinent programs;

1.2.1.4 Adopt the Area Plan and annual budget; and,

1.2.1.5 Perform all its responsibilities in accordance with the OAA and all other pertinent laws, regulations and rules.

## SECTION 2. MEMBERSHIP

2.1 Membership on the A4AA Governing Board shall be in conformance with requirements of Title III of the OAA, as amended; the State of California; the Joint Powers Authority Agreement among the seven counties; and, the Area Plan.

2.1.1 The Governing Board of the A4AA shall consist of 17 members: two appointed by each of the Board Supervisors of the Counties of Nevada, Placer, Sierra, Sutter, Yolo and Yuba; and five appointed by the County of Sacramento. In each of the Counties of Nevada, Placer, Sierra, Sutter, Yolo and Yuba, one of the appointees shall be a member of the Board of Supervisors (for whom the Board may also designate an alternate) ~~and the others shall be appointed by the County Commission on Aging.~~ Appointments must be in accordance with Federal and State regulations.

2.1.2 In the County of Sacramento, ~~the County Commission on Aging shall recommend to the Board of Supervisors such number of candidates as the Board shall specify, from~~

~~which number~~ each supervisor may appoint one member or may instead appoint himself or herself (the administrative assistant of a supervisor may be designated as an alternate to the supervisor if the supervisor is appointed). At least one of the Sacramento County appointments shall be a member of the County Board of Supervisors.

2.1.3 Alternates shall have the full powers of a member of the Governing Board, but only in the absence of the member for whom designated.

2.1.4 The appointments should include representation of low income, minority, seniors with disabilities and persons of color. Appointments shall not discriminate against any person regardless of age, race, religion and/or sexual orientation.

2.1.5 In the event a vacancy occurs on the Governing Board, A4AA shall notify the appropriate appointing authority of such vacancy as soon as possible. The appointing authority shall be apprised of the requirements for membership and requested to appoint a replacement as expeditiously as possible. To avoid conflict of interest, employees of programs receiving funds under the OAA shall not be appointed.

## 2.2. TERM OF MEMBERSHIP

2.2.1 Members shall serve a two-year term, ending on December 31, unless sooner removed by the appointing body.

2.2.2 Attendance records shall be reviewed periodically by the Executive Committee, who shall make recommendations to the Governing Board for action. Any member who is absent from four (4) consecutive Governing Board meetings per calendar year, without notification to A4AA, and who is not in the meantime rendering committee or other service to A4AA, shall be regarded as having resigned from the Council.

2.2.3 A request for a Leave of Absence shall be reviewed by the Executive Committee, and action will be taken at their discretion.

## SECTION 3. FISCAL YEAR

The fiscal year of the Governing Board shall be consistent with the State Fiscal Year, July 1 - June 30.

## SECTION 4. MEETINGS

4.1 The Governing Board shall meet regularly at 10:00 a.m. on the second Friday of each month, except that any regular meeting may be dispensed with if, in the opinion of the chair and after consultation with the members of the Executive Committee, there is not sufficient business of a significant nature to warrant a meeting.

4.2 All meetings of the Governing Board and its committees shall be public in accordance with the The Brown Act (Ca. Gov't Code section 54950 st. seq.). Notice of said meetings shall be disseminated at least one week in advance through use of appropriate mailings and whatever other means possible to include postings in accordance with the Brown Act. Any member of the public may speak on any agenda item as it is addressed. Members of the public may address matters of general concern which are not on the agenda to the Governing Board at the **end beginning** of the meeting. The Chair may set reasonable time limits for public comment.

4.3 Committee meetings may be held by videoconference or teleconference following the requirements of the Brown Act and the guidelines in Section 4.2 of these Rules of Procedure. In addition, these meetings shall be conducted so that there is simultaneous communication. The chair or staff representative will call the meeting to order and ask for identification of those members present. A secretary will be appointed to record minutes, and a report will be given at the next Governing Board meeting.

4.4 The Governing Board shall hold at least one regular meeting in each calendar quarter of a year or at other times as deemed necessary.

4.5 The Governing Board chair may from time to time deem it necessary to hold special meetings. A special meeting may be called by the Governing Board chair or a majority of members and at a location the Governing Board determines appropriate. The provisions of the Brown Act and Section 4.2 of these Rules of Procedure shall be adhered to in the event that a special meeting is called.

4.6 Prior to adoption of the Area Plan, at least one public hearing shall be held to allow area residents the opportunity for comments and recommendations. Such public hearing(s) shall be widely advertised, and shall follow procedures established by the Governing Board that assure full opportunity for comment and recommendation by all area residents.

4.7 A quorum for any regular meeting of the Governing Board shall be one-half plus one of the members. A majority vote of eligible members present shall be required on all action items. A roll call vote of all members marked present shall be made on all action items dealing with funds. The voting of each member of the Governing Board will be recorded on all votes.

## SECTION 5. OFFICERS

5.1 The Governing Board shall have the following officers: chair, first vice chair, second vice chair, secretary-clerk, and treasurer-auditor. Duties of the officers are further described within this section.

5.1.1 *Chair.* The chair shall preside at all meetings of the Governing Board; shall represent the Council at functions of a ceremonial nature; shall appoint members of all committees (except Nominating Committee) with the consent of a majority of those members present and voting at any regularly scheduled meeting; shall appoint the parliamentarian; shall serve as ex-officio member of all committees (except Nominating Committee); and shall perform other tasks as authorized from time to time by the Governing Board.

5.1.2 *First Vice Chair.* The first vice chair shall perform the duties and exercise the power of the chair in the absence of the chair.

5.1.3 *Second Vice Chair.* The second vice chair shall perform the duties and exercise the power of the chair in the absence of the chair and the first vice chair.

5.1.4 *Secretary-Clerk.* The secretary-clerk shall cause to be made minutes of each meeting of the Governing Board and shall cause to be maintained all records of the Governing Board. The secretary-clerk shall record the voting of each member present on any action item.

5.1.5 *Treasurer-Auditor.* The treasurer-auditor shall serve as chair of the Finance Committee and work with A4AA staff to periodically report to the Governing Board. The treasurer-auditor may be an employee in lieu of a board member.

5.1.6 *Parliamentarian.* The parliamentarian shall be appointed by and serve at the discretion of the chair. It is the responsibility of the parliamentarian to assure that procedure for meetings comply with these Rules of Procedure and the parliamentary authority as written in Sturgis Standard Code of Parliamentary Procedure.

## 5.2 EXECUTIVE DIRECTOR

5.2.1 The Executive Director shall not be a member of the Governing Board, but shall be appointed by and serve at the pleasure of the Governing Board.

5.2.2 The Executive Director shall be in charge of and shall cause to be performed all staff functions of the A4AA.

5.2.3 The Executive Director shall report to the Governing Board at each of the Governing Board meetings.

5.2.4 The Executive Director shall be deputy treasurer-auditor and shall execute warrants on behalf of the A4AA.

5.2.5 Within limitations of the budget, the Executive Director shall have authority to employ and discharge such personnel and consultants as from time to time may be deemed necessary.

5.2.6 The Executive Director shall be an ex-officio member, without vote, on all committees of the A4AA except the nominating committee.

5.2.7 All powers and duties of the Executive Director shall be executed under direction of the Governing Board.

## 5.3 OFFICERS TERMS OF OFFICE

5.3.1 All officers shall serve a term of one twelve (12) month period, coinciding with the calendar year. The officers of the Governing Board shall be elected annually at the first meeting of the calendar year.

5.3.2 No officer shall serve more than two (2) consecutive terms in the same office.

5.3.3 If more than six (6) months remains for any office, that term will be counted as one of the two consecutive terms if a replacement is required.

## 5.4 NOMINATION AND ELECTION OF OFFICERS

5.4.1 The Nominating Committee shall consist of a minimum of three members who shall be elected annually by the Governing Board. Committee members shall select their Committee chair. The Committee shall submit, at the meeting held in October, nominations for each of the offices and for the subsequent Nominating Committee and will be responsible for seeking members capable of assuming responsibilities of the respective offices. The Committee will be requested to assist in the screening of nominations for awards and other activities related to nominations, as deemed appropriate by the Governing Board chair. Such nominations shall be made and transmitted to the Governing Board not later than the regular meeting immediately preceding the meeting

at which officers are to be elected. Additional nominations may be made by any member of the Governing Board at the time of the meeting wherein officers are elected.

5.4.2 Elections shall be held at the regular business meeting scheduled for the first month of the calendar year. At this meeting, nominations may be made from the floor. An individual receiving a plurality of the votes for any of the offices, cast by members present, is elected and will immediately assume the office.

~~5.4.3 Voting shall be by secret ballot when two or more candidates are nominated for any office. Tellers appointed by the Governing Board chair shall distribute, collect, tally and report the vote.~~

## SECTION 6. COMMITTEES

6.1 The Governing Board shall have the standing committees found in this section. With the exception of the Executive Committee, the chair shall make all committee appointments. With the exceptions of the Executive and Finance Committees, the committee members shall select a Committee Chair from among themselves. Standing Board Committees shall be chaired by a member of the Board. All standing Committees will comply with the requirements of the Brown Act.

6.1.1 *The Executive Committee* shall meet prior to Governing Board meetings to approve and, if necessary, amend the tentative agenda. In addition, the Executive Committee shall have authority to act on matters in emergency situations. All action by the Executive Committee shall be ratified by the Governing Board at the next regularly scheduled meeting following the action.

The Executive Committee shall consist of the elected officers **and** the immediate past chair, ~~and chairs of each of the standing committees, except the Nominating Committee.~~ **Vacancies** in elected offices, other than the chair, shall be filled by the Executive Committee.

6.1.2 *The Finance Committee* shall be chaired by the treasurer-auditor of the Governing Board, and shall have responsibility for working with staff in keeping current on program funds and audit reports available through A4AA, and reporting same to the Governing Board.

The Committee shall meet as needed and upon the submission of the Agency's annual audit.

6.1.3 *The Grants Review Committee (GRC)* provides recommendations for funding programs. In addition, the Committee reviews Request for Proposals (RFP) applications and recommends funding of applicants. The Committee provides input into the RFP process. The Committee makes recommendations directly to the Governing Board.

The Grants Review Committee shall consist of an adequate number of Council members. The Committee shall also be represented by members of the Board, as much as possible, but not to exceed the number of Advisory Committee members. Alternates shall be appointed as necessary.

6.1.4 *The Joint Program Evaluation Committee (JPEC)* reviews A4AA service provider performance periodically with A4AA staff in order to be knowledgeable about program operations and contract issues. The committee may forward its recommendations to the

Grants Review Committee for informational purposes only. JPEC makes recommendations directly to the Governing Board.

The committee shall consist of five to seven members, with two to three from the Governing Board, and three to four from the Advisory Council. Not more than three of the committee appointments shall be members of the Grants Review and Area Plan committees. (Alternates may be appointed from each body to ensure full attendance.) To the extent feasible, representation by the seven counties should be considered in the appointments.

6.1.5 *Personnel Committee*. The Personnel Committee shall be responsible to oversee personnel matters of the A4AA including development and maintenance of personnel policies and procedures, development of affirmative action plan, and other appropriate personnel matters. The Personnel Committee shall meet with the Employee Personnel Committee (EPC) at the request of either party.

6.1.6 The *Rules of Procedure Committee* shall receive and review proposed amendments to the Rules of Procedure and may propose amendments of its own. The Committee shall make recommendations approving or disapproving each proposed amendment, giving reasons for the decision. The Committee shall also perform a comprehensive review of the Rules at least once every two years. The parliamentarian shall serve as a consultant to the Committee.

6.1.7 The Nominating Committee shall perform all the duties described in section 5.4.3 of these Rules of Procedure.

6.2 The Board Chair shall appoint members to the following standing committees of the Advisory Council. Council Committees shall be chaired by a member of the Council.

6.2.1 The *Area Plan Committee* shall:

- a) Be a joint committee of Board and Council members;
- b) Provide input for the development and implementation of the Area Plan and updates;
- c) Forward all recommendations to the Council; and,
- d) Consist of an adequate number of Council members to ensure that each County is represented for area planning. The Committee shall also be represented by members of the Board, as much as possible, but not to exceed the number of Advisory Committee members. Alternates will be appointed to the fullest extent possible.

6.2.2 The *Legislative Committee* shall:

- a) Be a joint committee of Board and Council members;
- b) Have responsibility for reviewing proposed new and amended legislation affecting primarily older individuals and making reports and recommendations to the Council;
- b) Coordinate with the California Senior Legislature (CSL) members from A4AA for discussion and collaborative efforts for recommendations affecting older adult legislative issues;

- c) Include at least one Council representative from each county within A4AA;
- d) Establish priorities that correspond to the Area Plan whenever possible; and,
- e) Consist of at least eight members; two members from Sacramento County and one from each of the other counties in A4AA. The Committee shall also be represented by members of the Board, as much as possible, but not to exceed the number of Advisory Committee members. Alternates shall be appointed from each county.

### 6.3 OTHER COMMITTEES

The chair may appoint other committees, or ad hoc committees for limited time purposes, as deemed necessary and with consensus of the Governing Board, or upon the request of the Executive Director. Such committees shall serve at the pleasure of the chair.

## SECTION 7. AMENDMENTS TO RULES OF PROCEDURE

*7.1 Notices.* Amendments to these Rules of Procedure shall be proposed at any regularly scheduled meeting of the Governing Board with thirty (30) days prior notice in writing, either mailed or given in person to each member. Proposed amendments shall be voted on at a subsequent meeting.

*7.2 Total Vote Required for Amendment.* These Rules of Procedure may be amended by a two thirds vote of the members present at a regularly scheduled meeting, or at a special meeting called for the purpose of amending these Rules.

## SECTION 8. GENERAL PROVISIONS

*8.1 Principal Office.* The principal office of the A4AA shall be located in the Sacramento metropolitan area at such location as may be determined by the Governing Board from time to time.

*8.2 Monies.* All monies received shall be deposited to the credit of A4AA in depositories designated by the treasurer-auditor. Monies received shall be solely for the purpose of defraying expenses of the A4AA under the direction of the Governing Board.

### 8.3 *Records, Reports and Inspection.*

8.3.1 The A4AA shall maintain adequate and correct accounts, books and records of all its business and properties.

8.3.2 The accounts, books and records of A4AA shall be kept at the principal place of business of the A4AA, and all such documents shall be open to inspection by the Governing Board, its members and members of the general public.

8.3.3 The Area Plan and annual report shall be available for inspection **at each county clerk office and other appropriate locations and on** the A4AA website.

8.4 *Audits.* The treasurer-auditor shall cause the accounts of the A4AA to be audited annually as required by law and the JPA. The audit reports shall be filed with the clerk of the A4AA and a copy forwarded to each county clerk.

8.5 *Nondiscrimination.* In the selection of officers and staff, and in the performance of its duties, the A4AA shall not discriminate against any person in any manner which is unlawful.



## SECTION 9. CONFLICT OF INTEREST AND IMPROPER CORRESPONDENCE

9.1 All possible conflicts of interest should be considered whenever the Governing Board, or one of its committees, is making a decision affecting a program within A4AA, including but not limited to, grant applications, program evaluations, area plan consideration and approval, and program money allocation.

- 9.2 A Governing Board member has a conflict of interest, or potential conflict of interest, when one or more of the following relationships exist with the program under consideration:
- A. Ownership;
  - B. Director, trustee or officer of the program;
  - C. Provider of professional services to the program;
  - D. Parent, spouse, brother, sister, or child of A, B, or C above;
  - E. Employee of the program;
  - F. Any person whose salary is paid from OAA funds; and,
  - G. Any person with a relationship described in A to F (above) in a competing program in the area.
- 9.3 Any member who has one or more of the relationships as described in Section 9.2 of these Bylaws above, shall declare his/her association with the program under consideration. The member shall be considered an agent of the agency under consideration. That member may not vote and must recuse him/herself from that portion of the meeting.
- 9.4 When there is question as to the existence of a conflict of interest, the chair shall determine whether or not a conflict does in fact exist, and shall rule accordingly. If a member is deemed to have a conflict of interest, or potential conflict of interest, the member shall not vote on the program under consideration and shall recuse themselves from that portion of the meeting.
- 9.5 *Improper correspondence during the RFP process.* The review process is the same for all applications submitted under an RFP. Area 4 Agency on Aging staff, Advisory Council and Governing Board members are strictly prohibited from speaking to Applicants about the content or status of proposals outside of the review process during an active RFP. In most circumstances, the “active” RFP process begins on the date the RFP is issued and ends on the date final award decisions have been made; in the event of an appeal, all of the proposals in the affected service category remain “active” until the date of final resolution of that appeal.

## SECTION 10. CONFLICT WITH STATE OR FEDERAL REGULATIONS

If any Section or Sub-section of these Rules of Procedure are found to be in violation of State or Federal regulations, only that Section or Sub-section shall be deemed invalid.

DATED: April 15, 1983 Amended: March  
8, 1985

Amended: August 11, 1989

Amended: October 12, 1990

Amended: September 10, 1993

Amended: **September 9, 2016**