



Policy Manual

May 2007

Table of Contents

<u>Number</u>	<u>Policy</u>	<u>Page</u>
1	Administrative, Program, and Evaluation Costs	3
2	Capital Improvements	4
3	Confidentiality	4
4	Conflict of Interest	5
5	Contract Performance	6
6	Contracting and Procurement	8
7	Equity and Diversity	9
8	Funding Eligibility	11
9	Grant Funding Limit	11
10	Grant Lapse	12
11	Honoraria for Commission Members	12
12	Protest of Grant Denial	13
13	Real Property Purchase	16
14	Responding to Legislative Issues	16
15	Special Funding Proposals	16
16	Supplanting	18
17	Tobacco-Free Environment	19
18	Vehicle Purchase	20

<u>Letter</u>	<u>Appendix</u>	<u>Page</u>
A	Confidentiality Form	21
B	Protest of Grant Denial Form	22
C	Statement of No Supplanting Form	23
D	Tobacco-Free Environment Sample Policy	25
E	Tobacco-Free Environment Certification	26

No. 1	<u>Administrative, Program and Evaluation Costs</u>
Purpose/ Background:	
Policy:	<p><u>Definition of Costs:</u></p> <p>Following are the Butte County Children and Families Commission’s definitions of its three cost categories – administrative, program, and evaluation. These definitions are pursuant to the guidelines issued by the First 5 California Children and Families Commission.</p> <ul style="list-style-type: none"> ✓ Administrative costs: Costs incurred in support of the general management and administration of a county commission, for a common or joint purpose that benefits more than one cost objective (other than evaluation activities), and /or those costs not readily assignable to a specifically benefited cost objective. ✓ Program costs: Costs incurred that are readily assignable to a program, grantee, contractor, or service provider (other than evaluation activities) and/or in the execution of direct service provision. ✓ Evaluation costs: Costs incurred in the evaluation of funded programs based upon their accountability framework and data collection and evaluation for required reporting to state and local stakeholders. <p>It is the policy of the Commission to adhere to these definitions in its budgeting, accounting, and financial reporting processes.</p>
Procedures:	<p><u>Establishing an Upper Limit on Administrative Costs:</u></p> <p>Based on an analysis of its administrative spending needs and best practices in government finance, the Commission has established an upper limit on administrative costs as 12% of the Commission’s annual operating budget.</p> <p>The Commission may, at the time of authorizing an extraordinary administrative expenditure, exempt it from calculation of compliance with this limit. The rationale for exemption shall be included in the public record at the time the exemption is decided.</p> <p><u>Monitoring and Reporting of Administrative Costs:</u></p> <p>The Commission requires a periodic review of the validity of the adopted definition and percentage (based on changes in state law, regulation, county government requirements, and other relevant factors) and requires Commission staff to report on administrative costs biannually and as part of the Commission’s annual financial report.</p> <ol style="list-style-type: none"> 1. All costs will fall into one of three major categories: administrative, programmatic or evaluation. Commission staff will establish a methodology for tracking and reporting on the three cost categories. 2. Commission staff will be responsible for establishing cost elements for each of

	<p>the three categories, using the definitions included in this policy statement. (The attached table provides guidance on categorizing costs.)</p> <ol style="list-style-type: none"> 3. The Commission shall maintain auditable records to ensure compliance with the administrative cost policy. 4. Commission staff shall use valid methodologies and tools for allocating costs. Valid methods may include automated cost accounting systems, review of payroll records and cost finding.
Reference:	This policy is adopted in conformance with California Health and Safety Code Sec.130100 et seq. and the First 5 Financial Management Guide (Chapter 6).
Effective Date:	Adopted on May 19, 2006 in Oroville, California
Modified:	

No. 2	<u>Capital Improvements</u>
Purpose/ Background:	Certain capital improvements will not be funded.
Policy:	The Commission will not fund capital improvements affixed to private real property.
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	

No. 3	<u>Confidentiality</u>
Purpose/ Background:	<p>Proposition 10 mandates County Commissions craft a strategic plan that mobilizes the community's resources to ensure that all children birth to age five enter school in good health ready and able to learn. Each County Commission must assure that Prop. 10 funds are well spent and managed and that all program planning is directly tied to measurable outcomes or results. Butte County Children and Families Commission, in developing an accountability framework to collect data, measure the outcomes and impact of services, and report the results, recognizes the Commission and Grantee responsibility in maintaining the privacy of personal information.</p> <p>In order to track and report outcomes for children and families receiving Prop 10 funded-services, counties must collect individually identifiable information that will minimize duplication and track all common outcome data collected across a system. Butte County's Commission, and the grantees, will collect personally identifiable financial, demographic health, social service, school, and other sensitive information and will need to have identifiers and strategies in place that link information about families across agencies for the purpose of evaluation and service delivery without compromising the family's confidentiality.</p> <p>As important as it is for Butte County Children and Families Commission to be accountable and to collect outcomes-related data, we must also ensure that essential data collected will not invade privacy, breach confidentiality, or cause harm. To this end Butte County Children and Families Commission adopts this policy on confidentiality.</p> <p>The purpose of this policy to inform Commission employees, grantees, and</p>



	all employers and sub-contractors of the grantees that all information related to clients is to remain confidential. A breach of this policy may result in the termination of the Commission employee, and termination of the contractual agreement between the Commission and the grantee.
Policy:	It is the policy of the Butte County Children and Families Commission to ensure that the information received in the Commission office remains confidential, and to ensure that the information received in the offices of grantees remains confidential.
Procedures:	This policy applies to all Commission employees, all grantees, grantee employees, and grantee sub-contractors, and the subsequent functions, information and data collected in performance of the duties as defined under the grant. All new Commissioners, Commission employees, and grantees will be given a copy of the Policy and Procedure and Attachment (Confidentiality Procedure Attachment) at the time of hire or appointment. The attachment will be put in their Commission or Contract file.
Reference:	
Effective Date:	Adopted on May 16, 2003 in Oroville, California
Modified:	

No. 4	<u>Conflict of Interest</u>
Purpose/ Background:	The Butte County Children and Families Commission (the Commission) is required by statute to adopt in a public hearing, policies consistent with state law regarding conflict of interest of Commission members. This policy so adopted supersedes any Conflict of Interest Policy of the Commission previously in effect.
Policy:	<p>The Commission intends that all commissioners and Commission staff shall uphold the highest ethical standards so that public confidence and trust in the integrity and objectivity of the Commission is preserved. It is the policy of the Commission to guard against impropriety and even the appearance of impropriety by prescribing the following the standards:</p> <p>A. No Commissioner or staff person may make, participate in making, or use his/her position to influence a decision, which affects his/her economic interest.</p> <p>Commissioners are expected to voluntarily recuse* themselves from any funding decision in which they or their family members have a financial interest. A Commissioner or staff person can determine whether an unlawful economic interest exists by asking him/herself the following questions:</p> <ol style="list-style-type: none"> 1. Will the decision affect your personal expenses, income, assets or liabilities, or those of your immediate family? (<i>Personal Financial Effect</i>)

2. Will the decision affect any business in which you, your spouse, your dependent children or anyone acting on your behalf has an investment of at \$1,000 or more? (*Business Investment*)
3. Will the decision affect any business entity for which you are a director, officer, partner, trustee, employee, or hold any position of management? (*Business Employment or Management*)
4. Will the decision affect any real property (including mortgages, options or leases) in which you, your spouse, your dependent children or anyone acting on your behalf has an interest of \$1,000 or more, or any property within 2,500 feet of your property? (*Real Property*)
5. Will the decision affect any person or business that has paid (or has promised) you \$250 or more, or that has paid your spouse more than \$500 (including payments of salary, rent, interest, some loans, payments for sale of a house, car or investment, or other types of income) in the last 12 months? (*Sources of Income*)
6. Will the decision affect any business or person that gave you gifts that total \$300 or more within the last 12 months? (*Gifts*)

If the answer is “yes” to any of these questions, an economic interest exists which prohibits the Commissioner or staff person from participating in or using his/her position to influence a related decision.

B. Commissioners are required to file a Statement of Economic Interests (also known as Form 700) annually with the Butte County Board of Supervisors’ Office.

C. Unless an economic interest exists, as defined above (Section A), First 5 Commissioners have only a “remote” interest in contracts made by the Commission to agencies they represent, according to Government Code Section 1091.3. No conflict of interest exists as to a remote interest if the following process is followed: When the Commission is making a decision to fund an agency a commissioner represents, the commissioner shall declare his/her relationship to that agency and recuse* himself/herself from participating in or using his/her position to influence the decision.

* It is the practice of the Commission that when commissioners recuse themselves, they absent the meeting room during the length of the agenda item.

Procedures:	
Reference:	Rules adopted by the Fair Political Practices Commission; The Political reform Act, Government Code Section 81000 et. seq.; and Government Code Sections 1090-1091.5.
Effective Date:	Adopted on May 19, 2006 in Oroville, California
Modified:	

No. 5	<u>Contract Performance</u>
Purpose/ Background:	As accountants of public funds, the Commission is obligated to ensure compliance with the terms and conditions of contracts and grant agreements, specifically the scope of work and the budget. These are the promised services,

	<p>programs or products to be delivered at the agreed upon price.</p> <p>To monitor the grant and to assure that the promised results are achieved, data must be reported, expenditure reports reviewed and site visits accommodated. As the Commission is accountable, so is the Grantee. In cases of under or non-performance, the Commission will renegotiate or terminate a contract.</p>
Policy:	
Procedures:	<ol style="list-style-type: none"> 1. Issues concerning a Grantee's performance will be documented in writing by Commission staff. The document will be reviewed with the Grantee. 2. The Strategic Plan and Evaluation Committee (SPEC) will review the documentation and response, if any. 3. Commission staff will notify the Grantee by telephone and follow-up in writing describing the results of the SPEC meeting and what action is expected of the Grantee. SPEC members will receive a copy of the letter. When appropriate, a specified period of time will be given to satisfactorily resolve the issue or perform the work. 4. Commission staff will report to SPEC on Grantee progress toward meeting expectations. The Grantee will receive a copy of the report or meeting summary. 5. If the issue is not resolved, Commission staff will prepare a recommendation for SPEC. SPEC will review the recommendation and in turn make a recommendation for approval by the full Commission. 6. If the Commission approves corrective action, Commission staff will follow-up with a letter to the Grantee. If the Commission decides to terminate the contract, Commission staff will follow-up with a letter to the Grantee. 7. All related documents will be kept in the Grantee's file
Reference:	
Effective Date:	Adopted on May 19, 2006 in Oroville, California
Modified:	

No. 6	<u>Contracting and Procurement</u>
Purpose/ Background:	
Policy:	<p>The distribution of Butte County Children and Families Commission (the Commission) funds shall be conducted economically and expeditiously, under fair, open and well-documented procedures, and in accordance with best procurement practices.</p> <p>All grants and contracts must be consistent with the Commission’s Strategic Plan. They must support either the operation of the Commission or directly support the result areas outlined in the Strategic Plan.</p> <p>The Commission shall, as a general operating procedure, disburse all grant awards through a competitive process. These may include Requests for Proposals (RFPs), Intent to Negotiate, Requests for Information (RFIs), or similar processes that elicit competitive proposals for services to young children, their families, and service providers.</p> <p>The purpose of this policy is to provide a framework for the procurement of goods and services in situations where the Commission has not selected a vendor/grantee through a public decision making process. The methodologies described below ensure fairness and accountability in the selection process while affording the flexibility necessary to efficiently conduct business affairs of the Commission.</p>
Procedures:	<ol style="list-style-type: none"> 1. Conflict of Interest <p>No commissioner or Commission staff person may influence a business decision on behalf of the Commission if a conflict of interest exists as defined by state law or by the First 5 Butte County Children and Families Commission Conflict of Interest Policy.</p> 2. Authority <p>The Commission has the power to enter into contracts necessary or appropriate to carry out the provisions of the California Children and Families Act. No individual may contract on behalf of the Commission unless he or she has been specifically delegated authority by this policy, state law, or other act of the Commission.</p> 3. Procurement Standards – Required Approvals and Requirements <p>The Program Manager or his or her designee has the authority to purchase goods or services required by the Commission, without approval, in an amount not to exceed \$5,000, if the purchase is consistent with the approved budget and the Strategic Plan. Chair approval must be obtained for purchases over \$5,000. Commission approval for selection of vendor/grantee is required for purchases that exceed \$25,000 unless the Commission specifically delegates such authority to the Chair.</p> <p><u>Informal Competitive Bid Process:</u> A minimum of three bids shall be obtained prior to selection. Written or documented oral quotations and statements of capacity must be obtained and presented to the Program Manager and the Chair for approval prior to contracting for these goods or services. Selection of the</p>

	<p>vendor/grantee shall be made with consideration of the bid price and the capacity of the bidder to fulfill the scope of work.</p> <p><u>Formal Competitive Bid Process:</u> A formal bid process shall be used for purchases in excess of \$50,000, regardless of unit price. Competition must be secured by quotations from three or more vendors/ grantees who normally deal in the goods or services to be obtained.</p> <ol style="list-style-type: none"> A. The written quotations must include budgets detailed by line item and include specific information as to the capacity of the vendor/grantee. B. Written scoring criteria must be provided in a published request for bids. The request for bids shall be published a minimum of three times in the Mercury Register and the Enterprise Record, and may be published in a larger regional area, in trade publications or by other means likely to lead to good competition and quality bids. C. Selection of the vendor/grantee shall be made with consideration of the bid price and the capacity of the bidder to fulfill the scope of work. <p><u>Special Circumstances:</u> When the Commission Chair determines that it is impracticable to secure competition, and the unit price exceeds \$5,000 per unit, a “Waiver of Competition Determination” must be made in writing with a specific justification for the determination, prior to the purchase. No Waiver of Competition may be approved for purchases of goods or services that exceed \$25,000.</p>
Reference:	Pursuant to Health and Safety Code sections 130100 et. seq.
Effective Date:	Adopted on May 19, 2006 in Oroville, California January 16, 2004
Modified:	

No. 7	<u>Equity and Diversity</u>
Purpose/ Background:	<p>The Butte County Children and Families Commission recognizes that there are significant gaps and disparities in the provision of services for children and their families and as observed in educational, health and other outcomes, the Commission states commitment and leadership towards taking proactive steps to ensure that Butte County children and their families from diverse populations, including children with disabilities and other special needs, are an integral part of the planning and implementation of Proposition 10.</p> <p>In accordance with Prop 10 State Commission, diversity has been defined to be inclusive of children prenatal to five years of age, regardless of immigration status, who:</p> <ul style="list-style-type: none"> ✓ Are from different ethnic, linguistic, cultural, socio-economic, religious, geographical and/or other historically or currently under-served communities; or

- ✓ Have disabilities and other special needs.

It is in concert with the State Commission's overriding emphasis that Butte County fulfill its mission to adopt policies and practices that equitably provide Butte County's children (prenatal to 5) from diverse backgrounds and abilities with accessible, family-friendly, culturally competent, quality early childhood services and programs designed to help them reach their full potential and prepare them for positive educational and life experience. The principles herein adopted will serve as guidelines to ensure that the programs and services established and supported by Prop 10 funds are both culturally and linguistically competent and inclusive in service children with disabilities and other special needs.

Policy:

Butte County Children and Families Commission adopts the following four principles respecting equity and diversity to benefit the children and families served through local programs funded by Prop 10.

1. Inclusive Governance and Participation – We the Commissioners of Butte County recognize that children develop within the context of their families and communities, and as such, it is essential that Prop 10 programs secure and obtain meaningful participation and input of the families and other caregivers of children from diverse backgrounds and with diverse abilities throughout all program development and implementation phases.
2. Access to Services – To assure that children from diverse backgrounds and with diverse abilities have access to high quality and culturally competent early care and education/development opportunities as a critical means for achieving quality, Prop 10 funded programs should set measurable goals and objectives for increasing access and achieving equity.
3. Legislative and Regulatory Mandates – Agencies must adhere to all legislative, regulatory and accreditation mandates pertinent to the provision of services to children from diverse backgrounds and with diverse abilities by embracing the spirit of the law, informing parents of their rights and responsibilities as well as those of their children, and be held accountable for their compliance with key laws and other related mandates.
 - a. Title VI of the Civil Rights Act of 1964: requires linguistic access via qualified interpreters and translated materials at no cost to the individual;
 - b. Americans with Disabilities Act 1990 (ADA): prohibits discrimination on the basis of disability and promotes equal access, building modifications, hiring practices for persons with disabilities;
 - c. Language Access Laws i.e., Dymally-Alatoree Bilingual Services Act (CA); imposes direct obligations state/local governmental agencies to provide appropriate translation services for languages spoken by 5% or more of population served;
 - d. Individuals with Disabilities Education ACT (IDEA) establishes special education and coordinated, family centered service delivery systems for children with disabilities from birth through age 5 through several programs e.g., California's Early Start Program, California Department of Education's Preschool Special Education Program; and

	<p>e. Executive Order 13166: issued on August 11, 2000 to promote meaningful access to Limited English Proficient (LEP) individuals to federally assisted and federally conducted programs and activities.</p> <p>4. Results-based Accountability – All Prop 10 programs funded through the Butte County Children and Families Commission will have well defined and meaningful outcomes that benefit children from diverse backgrounds and diverse abilities. Staff will conduct assessment that include assets, challenges, and gaps in communities and systems by regular assessment of its inclusive governance process and provide updates on the extent of the family involvement and engagement throughout all phases of program development.</p>
Procedures:	
Reference:	
Effective Date:	Adopted on August 15, 2003 in Oroville, California
Modified:	

No. 8	<u>Funding Eligibility</u>
Purpose/ Background:	This policy lists those who may apply for funding.
Policy:	<p>Those persons or organizations who may apply for competitive grants are:</p> <ul style="list-style-type: none"> ✓ Individuals, groups, government agencies, religious organizations, non-profits and for-profit organizations may apply and may submit separate proposals for separate programs. ✓ Collaborative (multi-agency) proposals: A lead agency must be identified; the lead agency will be responsible for the performance of subcontractors and shall sign the contracts.
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	

No. 9	<u>Grant Funding Limit</u>
Purpose/ Background:	This policy sets out a general rule that the same project will not be funded for more than three years; unless the Commission finds that extraordinary circumstances exist.
Policy:	The Commission will normally fund competitive grants for the same services or project for up to three years, in one or more grants. The Commission may find that exceptional circumstances exist to justify funding in a fourth or subsequent

	<p>years, based on a justification included in the applicant's Letter of Intent. The burden of proving exceptional circumstances is on the proponent of the project.</p> <p>Currently funded Grantees may request a one year extension for any remaining funds at the end of the third year contract through a letter of request that includes a financial report that indicates funds spent and remaining funds, new objectives and budget for the requested extension.</p> <p>Currently funded Grantees in the third year of funding may participate in competitive grant processes only to expand the currently funded grant objectives or propose a totally new project. They may not participate in the competitive grant process to expand current objectives if they will be requesting a one year extension.</p>
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	

No. 10	<u>Grant Lapse</u>
Purpose:	A grant award will automatically lapse if the grantee has not completed specified pre-contractual contingencies within 90 (ninety) days; absent special permission from the Commission chair.
Policy:	Grantees that are selected by the Commission to receive a grant through the competitive grant process must meet the required contingencies, enter into a contract and commence performance within 90 (ninety) days of full execution of the contract, or the grant award shall automatically become null and void. An additional 45 (forty-five) day extension may be granted, at the discretion of the Program Manager, for good cause shown. Applicants who are denied an extension may appeal in writing to the Chair of the Commission, who will consult with the Program Manager and respond within 10 (ten) days of receipt of the appeal. In no case will a delay in commencement of performance extend the contract beyond the time contemplated in the proposal.
Procedures:	
Reference:	
Effective Date:	January 16, 2004 Adopted on January 16, 2004, in Oroville, California

No. 11	<u>Honoraria for Commission Members</u>
Purpose/ Background:	<p>It is the intent of this policy to recognize that each of the Commissioners who serve the Butte County Children and Families Commission, serve as dedicated, responsible and caring volunteers. Each of the Commissioners serve on the Commission and on related committees without compensation, taking time and energy from their daily lives and professions. In order to attract a diverse array of participants, the Commission recruits and recommends individuals who may have limited income and those who may sacrifice their regular compensation due to Commission participation.</p> <p>The purpose of this policy is to provide for the reimbursement of lost</p>



	<p>compensation or the cost to Commissioners, caused by their participation in Commission meetings, committee meetings, and attendance at crucial trainings or workshops provided by the State First Five Commission or California First Five Association.</p>
Policy:	<p>Sitting Commissioners, and alternate Commissioners, of the Butte County Children and Families Commission, shall be eligible for honoraria under the following conditions:</p> <p>Commissioners and alternate Commissioners may receive per diem honoraria for Commission work with and outside the normal scope of regular and special Commission meetings.</p> <p>Regular and special Commission meetings include regularly scheduled Commission meetings, specially called Commission meetings, Executive Committee meetings, and other ad hoc committee meetings.</p> <p>Examples of Commission work outside of the normal scope include extended time rating proposals or attendance at trainings, workshops, and conferences.</p>
Procedures:	<p>A stipend or honoraria amount shall be determined annually, by the full Commission in an amount to be set for either hourly or daily reimbursement.</p> <p>It is not required that any individual Commissioner request the honoraria. Any Commissioner who chooses to request that reimbursement will tender a claim form to Commission staff after the meeting, training, workshop or conference has been attended.</p> <p>Commission staff will process the claim within standard operating procedures for the paying of claims, and such individual reimbursement will require the authorization of the Program Manager.</p>
Reference:	
Effective Date:	Adopted on January 19, 2004 in Oroville, California
Modified:	

No. 12	<u>Protest Of RFP, RFA, or RFA Denial</u>
Purpose/ Background:	<p>The general purpose of the Commission is to promote, support and improve the early development of children from the prenatal stage to five years of age through the creation and implementation of an integrated, comprehensive and collaborative system of information and services to enhance early childhood development pursuant to the California Children and Families First Act of 1998”, Health and Safety Code Section 130100 and following (the “Act”).</p> <p>As accountants of the public trust and Prop 10 monies, the Commission will conduct formal Request for Proposal, Request for Application and Request for Qualifications processes designed to maximize collaboration and open participation</p>

by existing and new community-based organization or individuals. It is through these processes that funds will be allocated. Funds will only be allocated to activities that are in direct furtherance of the elements of the Commission strategic plan or that are necessary for the operation of the Commission, consistent with the purposes expressed in the California Children and Families Act. Given that there will be requests for funding which fall outside of the formal bid process; this policy is meant to address those requests for funding as well.

Understanding the need of the Community, and the nature of the funding process, the Commission recognizes that not all requests for funding will be granted or subcontractor proposals accepted. It is for this reason that the Protest of RFP, RFA and RFQ denial process is being put in place.

The Commission's role in handling protests is to reassure applicants that the published RFP/RFA/RFQ process was fair and clear and followed appropriate actions. The Protest Process is designed to afford applicants due process and to lend finality to the funding cycle.

Policy:

The Butte County Children and Families Commission will allow for the protest of the denial of Prop 10 funding. The Protest of RFP, RFA and RFQ denials must be filed within ten days of the receipt of the denial letter, and must follow the procedures below. The issues contained within the protest letter must be resolved in no more than thirty days. No funding distribution, for any grant or contract, will take place until all protests have been resolved.

Procedures:

Those persons who may file a protest to the granting or contracting procedure must be applicants whose request for funding has been denied. The letter must contain the reason that the protest is being filed, and must be postmarked no later than ten days from the receipt (receipt will be considered to have been no later than five days from the date of mailing) of the letter of denial.

Reasons for protest of funding may include; insufficient review of the proposal, lack of similar services in the community, community need and lack of comparable services available to the target group within Butte County, discrimination, and lack of appropriate consideration of the RFP/RFA/RFQ.

Those reasons, which will not be heard in the protest process are; timeliness of notification of denial, Scope of Work issues, amount of grant funded, and specific fiscal allocations made by the Commission in the course of the handling of Commission business, failure to consider an RFP/RFA/RFQ when tendered after the closing date of the application process.

The required protest elements are:

1. Rejection letter
2. Protest information letter; submission instruction,
3. Date of hearing, explanation of the protest process
4. Protest Hearing
5. Notification of finding

Upon receipt of the rejection letter from the Butte County Children and Families Commission, the applicant may file a Request for Protest of Denial. A copy of this Policy and Procedure, and the Request for Protest of Denial will be including with the letter denying the application.

The applicant must complete the application requesting a review of the denial on the appropriate form. A letter further explaining the applicant's position may accompany the form. The completed form must be received in the Commission office at 82 Table Mountain Blvd., Suite 40, Oroville, CA 95965, no later than ten days from the receipt of the letter of denial. Applicants are presumed to receive letters of denial no later than five days from the mailing date.

If the Request for Protest of Denial is received in the Commission office later than the required date, a letter of Protest Request Denial will be sent to the applicant. If the letter is received within the required timeframe, a letter of acknowledgement will be sent to the applicant immediately. Within five days of the receipt of the Request for Protest of Denial, the staff analyst will review the request and will request a special meeting of the Commission's Contract Awards Committee (in the case of an RFP/RFA) or the Strategic Planning and Evaluation Committee (in the case of an RFQ), for presentation to them of the request and the investigation of the applicant's concerns. At that time a date and time will be set for a Hearing of the applicant's request. The hearing must be held within ten days of the receipt of the applicant's Request for Protest of Denial.

The full Commission will act as the final arbitrator on all protest actions. Prior to the hearing, the panel will have reviewed the materials in advance. The protest procedure is limited in scope. It is important to limit comments to the merits of the specific application. Broader comments about the Commission, the funding process, or any other Commission related business will not be addressed during the presentation. In compliance with the Brown Act, all hearings will be held as open to the public.

The Commissioners will not accept questions from the applicant. Comments from the public will be accepted only if the person requesting to be heard has read the Commission's RFA/RFP/RFQ and the applicant's application and protest. The Commissioners may limit any commentary by members of the public, other than the applicant, to a time limit fitting within the hearing schedule. This time limit, and the rules for public comment, must be announced at the opening of the hearing.

The Hearings must comply with the open meeting laws, including:

1. Must give public notice of a hearing
2. Must provide an agenda and take meeting minutes
3. Must circulate meeting minutes
4. All deliberations are open to the public

The Hearing will then be closed and a letter of Protest Resolution will be sent to the applicant within five days from the hearing date.

Reference:

Effective Date:

Adopted on May 16, 2003, in Oroville, California

Modified:	January 16, 2004
------------------	------------------

No. 13	<u>Real Property Purchase</u>
Purpose/ Background:	Grants may not be used for the purchase of real property, because of the difficulty in ensuring the public funds continue to be used for the public purposes for which they were intended.
Policy:	The Commission will not fund competitive grants for the purchase of real property.
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	

No. 14	<u>Responding to Legislative Issues</u>
Purpose/ Background:	To standardize and expedite the process for addressing legislative issues by the Butte County Children and Families Commission.
Policy:	It is appropriate for the Commission to advocate positions on matters impacting local control over the use or the administration of Proposition 10 tax revenue and on issues that relate to improving outcomes for all children age zero to five. The Commission's efforts at legislative advocacy shall be limited to initiatives that have a direct and significant impact on the Commission's vision, mission, values and operating principles.
Reference:	
Effective Date:	Adopted on May 16, 2005 in Oroville, California
Modified:	

No. 15	<u>Special Funding Proposals</u>
Purpose/ Background:	
Policy:	<p>Funding disbursements will go out to bid in the funding allocation categories according to the Strategic Plan, except when circumstances justify a sole source or targeted disbursement. The Commission will also consider California First 5 – State Commission matching funds initiatives and other local proposals outside the formal bid process if there is sufficient evidence of alignment with the Strategic Plan and there is a compelling reason why funds are requested sooner than the next competitive bid timeline. Local organizations requesting funds outside the formal bid timeline must submit a proposal to the Commission, which addresses each item listed in the Special Funding Proposal Criteria.</p> <ol style="list-style-type: none"> 1. In general, the Commission will discourage such requests and direct the requestor to the available regular opportunities and processes. 2. Proposals that were submitted to the competitive funding cycle but were denied funding may not be submitted via the Special Funding Policy. 3. In rare cases where a compelling argument can be made why the requestor cannot wait for the regular funding cycle, the Commission will apply the following

criteria in order to evaluate the suitability to move forward:

A. The proposal must include a project description indicating how it will advance specified Strategic Plan outcomes and objectives, which benefit children ages 0-5 and their families.

B. The proposal must indicate a compelling reason why the funds are requested sooner than the next competitive bid timeframe (e.g., the money is needed for matching funds to be leveraged with another request with a pending deadline).

C. The proposal must indicate the project's target population including how many children ages 0-5 and their families will receive services.

D. The proposal must indicate how project results will be tracked and measured for success.

E. The proposal must indicate the proposer's track record of significant success serving children ages 0-5 and their families.

F. The proposal must include a scope of work, budget, and timeframe for service delivery.

G. The funds requested must clearly not supplant existing funding.

Procedures:

1. The entity requesting the funds must submit a letter of intent that directly addresses the above criteria and indicates the amount requested and timeline for project implementation.

2. The letter of intent will be reviewed by staff who will then discuss the project with the requestor to determine if the project meets the criteria and is of such importance and urgency that it should go forward. If so, they will be asked to submit a proposal in the prescribed format. For requests \$2,500 and under, if the determination is made that the project is fundable, the Program Manager can exercise the authority to approve the funding. All requests approved by the Program Manager will be reported to the full Commission at the following Commission meeting. Requests over \$2,500 must be brought to the Administration Committee.

3. If a proposal over \$2,500 is recommended to go forward, it will be presented to the Administration Committee, which will recommend to the full Commission whether or not to approve the project.

4. The full Commission will discuss proposals and has the option to approve, modify or deny all requests that have been recommended by the Administration Committee. The Commission cannot guarantee a specific timeframe for the decision-making process on proposals submitted outside the formal competitive process.

5. Organizations that receive funding through the Special Funding Policy will not be

	eligible to apply for funds for the same programs/services during the next regular competitive funding cycle.
Reference:	
Effective Date:	Adopted on January 17, 2003 in Oroville, California
Modified:	March 17, 2006

No. 16	<u>Supplanting</u>
Purpose/ Background:	<p>Pursuant to Proposition 10, Section 30131.4, no Commission funds shall be used to supplant state or local general fund money for any purpose. Commission funds shall be used only to supplement existing levels of service and not to fund existing levels of service.</p> <p>To that end, no Commission funds shall be granted or used for any existing project or program funded by state or local general funds unless the proponent demonstrates to the Commission's satisfaction that the Commission's funding will be used to improve or supplement the quality or quantity of an existing service.</p> <p>The prohibition on supplanting does not make reference to privately funded or federally funded programs. Therefore, the prohibition applies only to programs and services currently funded by state or local government general funds.</p> <p>The prohibition on supplanting was not intended to prevent, stifle or discourage state or local government agencies from funding pilot programs, which provide valuable innovations and formation. Therefore, the prohibition should not be interpreted to apply to pilot programs.</p>
Policy:	<p>The First 5 First 5 Butte County Children & Families Commission establishes the following policy with the understanding that the intent of Proposition 10 is to maximize resources. Funds are to be used to augment, add to, or enhance existing program funds, grants and/or services. Moneys cannot be used to fund any levels of service that were or are currently in existence at the time of the purported expenditure.</p> <p>The supplanting provisions in Proposition 10 moneys apply only to local and state general funds, not federal or private funds.</p> <p>The supplanting provisions in Proposition 10 apply only to general funding, not categorical funding. Categorical funding is defined as any funding from a fee or tax collected for a specific purpose, while everything not funded from a collected fee or tax for a specific purpose is considered part of the General Fund.</p> <p>Section 30131.4 of Proposition 10 supports the Commission's ability to make grants to fund services that were previously provided and funded by a local public agency, but have been discontinued by budget constraints. Because these services were not in existence at the <i>time that the Commission made funding determinations</i>, they do not fall within a common sense definition of the word supplant. Given that California Law is silent on the question of when the expenditure of funds ceases to supplant and commences supplementing, it is the policy of the Commission that if there is any question regarding supplanting, it is incumbent upon the proposer to address the issue to the Commission's satisfaction.</p>

	<p>Every prospective funding recipient must disclose whether the program has received funding from other sources (whether local or state government, private, or federal) within the past three years, and as to any public funding, identify the law or program under which funding was received.</p> <p>The Commission may require the applicant to provide any additional information regarding sources and uses of funds at any time during the application and/or contract period. Based upon all existing facts and circumstances, the Commission shall determine whether the proposal would violate this policy, prior to contract completion. For multi-year contracts or commitments, the Commission, reserves the right to re-examine its determination that its funds will not be used in violation of this policy.</p> <p><i>See Appendix C for Statement of No Supplanting form.</i></p>
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	

No. 17	<u>Tobacco-Free Environment</u>
Purpose/ Background:	<p>Funding by the tobacco industry is incompatible with that of the Butte County Children and Families Commission. Therefore, be aware that agencies receiving funds from the tobacco industry are not eligible to receive funds from the Butte County Children and Families Commission.</p>
Policy:	<p>All agencies receiving Butte County Children and Families Commission funding must provide proof, in written format, of an established, comprehensive tobacco-free policy prior to receipt of funds. This policy shall prohibit the use of tobacco products, at any time, in agency vehicles, buildings, and property. The policy shall have clear procedures for implementation, protocols for monitoring compliance, reporting of violations and instituting sanctions.</p> <p>As written in the California First 5 Guidelines document, all agencies should follow the "Tobacco Use" guidelines for implementing "Proposition 10," the California Children and Families Act (pages 124-126). Special attention should be given to Objectives for Consideration and Strategies and/or Planning Considerations. (See Appendix, California First 5 Guidelines "Tobacco Use").</p>
Procedures:	<p>The following activities should be included in the implementation of the policy:</p> <ol style="list-style-type: none"> 1. Information about the policy and enforcement procedures shall be clearly communicated by agency administrators to staff, parents, and/or clients of the program. (See Appendix D, "Sample Policy" and Appendix "Complaint Follow Up Guidelines for Second Hand Smoke").

	<ol style="list-style-type: none"> 2. All agency worksites must be in compliance with AB-13 (the California Smoke-Free Workplace Law) and with the State of California Labor Code Section 6404.5. The Butte County Department of Public Health enforces these laws. (See Appendix, Tobacco Enforcement Protocol). 3. Information about smoking cessation and support programs shall be made available and promoted by agency staff for, parents and/or clients at intake, and on a continuing basis when appropriate. The Butte County Department of Public Health, American Lung Association and/or American Cancer Society will provide training to all programs funded by the Butte County Children and Families Commission. Training will include education about the harmful effects of tobacco and local cessation resources. (See Appendix, Local Listings of Tobacco Cessation and Education Resources). 4. Information and materials about the effects of secondhand smoke on children shall be provided to Butte County Children and Families Commission funded programs through a training offered by the Butte County Department of Public Health. In turn this information will be relayed to parents, and/or clients by the funded agency or organization. 5. The agency shall continuously encourage families with small children not to smoke whenever and wherever children are present, including homes, cars, and even outdoors. (See Appendix, "Smoke-Free Homes and Cars"). 6. The funded agency shall complete and have signed by their Director, Program Manager, Manager or Legal Representative, the Tobacco-Free Environmental Certification acknowledging that the agency has been duly notified of this policy, understands the policy, and will conform to the Tobacco-Free Environment Policy.
Reference:	
Effective Date:	Adopted on January 16, 2004 in Oroville, California
Modified:	

No. 18	<u>Vehicle Purchase</u>
Purpose/ Background:	Grants for vehicles must meet certain requirements for funding.
Policy:	<p>The Commission will consider requests for funds to purchase vehicles if the proposal, in addition to demonstrating need, demonstrates cost-effectiveness.</p> <p>Cost –effectiveness includes consideration of the following factors: 1) Proposer or community contributions toward the cost of the vehicle, 2) Consideration of alternatives to purchasing (i.e. leasing or sharing), and 3) Planned geographic and time utilization of the vehicle.</p>
Procedures:	
Reference:	
Effective Date:	Adopted on January 16, 2004, in Oroville, California
Modified:	



Appendix A

Confidentiality Form

As an employee, grantee, employee of grantee, or sub-contractor of the Butte County Children and Families Commission, you may have access to confidential information and records. Misuse of such information may adversely affect individual civil rights, public safety, and the efforts and goals of the Commission. Such misuse violates the law.

Such laws include, but are not limited to:

- ✓ Government Code Sections 6200 and 6201, which prescribe the felony penalties for misuse of confidential records and information.
- ✓ Welfare and Institutions Code Section 10850, which prescribes penalties for the misuse of confidential information.
- ✓ The Health Insurance Portability and Accountability Act (HIPAA) of 1996, which includes requirements to standardize privacy, security, and client rights regarding the use and sharing of protected health information.

All Commission employees, grantees, and subcontractors of grantees are responsible to advise themselves of all laws, rules and regulations regarding confidentiality, including, but not limited to State and or Federal.

Any Commission employee, who is responsible for such misuse is subject to immediate dismissal. Any grantee, employee of the grantee, or sub-contractor of the grantee who is responsible for such misuse is subject to, and may be the cause of the immediate termination of the grant. Violations of the above laws may also result in criminal and/or civil action.

I have read the above and understand the Policy regarding the misuse of confidential information and records.

Signature: _____

Date: _____

Appendix B

Protest of Grant Denial Form

For Commission Use Only

Date of Receipt

Applicant

To protest of the denial of funding or a contract, you can either mail or deliver this form to the *First 5* Butte County Children and Families Commission at 82 Table Mountain Blvd, Ste. 5, Oroville, CA 95965.

Name of Applicant (Agency) _____

Name of Person Representing Applicant:		Telephone Number:
Mailing Address:	Email Address:	
City:	Zip Code	Fax Number:

DESCRIBE YOUR PROTEST: (If you need more space, you may continue on another page and attach it to this form.)

Applicant Signature:	Date:
----------------------	-------

Received by Staff Member: _____
Letter of Acknowledgement Sent: _____
Date Letter of Hearing Sent: _____
Hearing Date: _____ Letter of Resolution Sent: _____



Appendix C

Statement of No Supplanting Form

Not all applicants must fill out this form. However, Health & Safety Code section 30131.4 provides, in part, that Proposition 10 funds shall be used only to supplement existing levels of service and not to fund existing levels of service. It further provides that no money in the Commission's trust fund shall be used to supplant state or local General Fund money for any purpose.

You Must Complete This Form If: your organization received monies from state or county governments in the last 12 months and these funds used to support the services (or very similar services) for which you are seeking funds in this application. If this is true, complete the questions below.

1. Description of services that were funded by state or county in the last 12 months.

The exact services that are described in this application.

Similar services to those described in this application. If so, please describe similarities/differences:

2. Check all that apply: These services were funded with:

State of California funds (Name of funding: _____)

County of Butte funds (Name of funding : _____)

3. Total amount of funding that was used to support these services: _____

4. Check One: This funding was:

Reduced (List amount of reduction : _____)

Discontinued

Used to start or support a new or different program in our agency

Other. Explain here: _____

Statement of No Supplanting Form

5. Check True Statements: The services that were funded by these monies:
- Are no longer available in Butte County
 - Are still provided by our agency, but are reduced in scope
 - Are now provided by another entity, wholly or in part (List entity: _____)

 - Other. Explain here: _____

6. Do you have evidence to support that the state or county monies, which were available in the last 12 months to support the activities described in the proposal, have not been redirected to provide other services or programs by your agency?
- Yes No

If yes please submit this evidence with your application. If no, this proposal cannot be considered for funding.

Certification: *The above statements are true and correct, to the best of my knowledge.*

Authorized Signatory

Date _____

Typed Name and Title

If the proposal is funded this signed form will become part of the contract.



Sample Policy

Appendix D

Tobacco-Free Environment Policy

Name of Agency, Program

_____ acknowledges the hazards arising from the use of tobacco and the serious health risk associated with exposure to secondhand smoke. _____ supports the goal of Proposition 10, that tax collected under the Proposition will be used in part to reduce the harm caused by tobacco use, especially to pregnant women and children. In addition to complying with all federal, state and local tobacco laws, our comprehensive tobacco policy includes the following:

_____ provides a tobacco-free (including chewing tobacco) environment in all agency facilities, agency vehicles, outdoor community areas or playgrounds, and any area where children are present.

Smoking is not allowed within 20 feet of all building openings including doorways, windows, and air and ventilation intake systems of the agency.

Smoking by staff, clients and visitors is only allowed in designated outdoor smoking areas that meet fire code, state and local laws, ordinances or other regulations. Designated smoking areas are for adults only and are out of sight of children.

Information about this policy and enforcement procedures is clearly communicated by agency administrators to staff, parents, and/or clients of the program.

- "No Smoking" signs are posted where appropriate.
- Staff and agency clients are educated regarding designated smoking areas.
- Violation of our Tobacco-Free Environment policy may be cause for employee termination.
- Staff complaints regarding smoking violations may be made anonymously to the Butte County Department of Public Health, Tobacco Complaint Hotline 1-800-641-0015 or (530) 538-2075

_____ will participate in Commission sponsored in-service trainings on tobacco education and cessation and will have tobacco education and cessation materials visibly available and accessible to staff and clients participating in activities provided by our agency.

Our agency and its employees have no current business association or relationship with the tobacco industry, and further agree to neither accept nor solicit financial contributions, sponsorships, gifts, or services from any tobacco company, executive, or tobacco-related function.

Agency Administrator

Date

Appendix E

Tobacco-Free Environment Policy Certification

I, the official named below, hereby declare that I have received a copy of the Tobacco-Free Environmental Policy. Further, that this agency understands the Policy and will conform to the Tobacco-Free Environmental Policy as written.

Through this certification, this agency is noticed that funding by the tobacco industry is incompatible with that of the Butte County Children and Families Commission. Therefore, any agencies receiving funds from the tobacco industry are not eligible to receive funds from the Butte County Children and Families Commission.

As the designated representative of the _____ agency, hereby declare that I am duly authorized legally to bind the contractor or grant recipient to the above-described certification. I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____ 2007, in _____, Butte County, CA.

Signature

Title