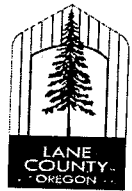


W. 3. B. 1.

AGENDA COVER MEMO

AGENDA DATE: August 6, 2008
TO: Board of County Commissioners
DEPARTMENT: Health & Human Services
PRESENTED BY: Rob Rockstroh



AGENDA TITLE: ORDER _____ / IN THE MATTER OF AMENDING CHAPTER 3 OF THE LANE MANUAL TO CREATE A ONE YEAR TERM FOR PUBLIC OFFICIALS SERVING ON THE COMMUNITY ACTION ADVISORY COMMITTEE; AMENDING CHAPTER 3 OF THE LANE MANUAL TO CHANGE MEMBERSHIP SIZE FROM 15 MEMBERS TO 12; APPROVING COMMITTEE BY-LAW CHANGES (LM 3.530).

I. MOTION

Order _____ / In the Matter of Amending Chapter 3 of the Lane Manual to Create a One Year Term for Public Officials Serving on the Community Action Advisory Committee; Amending Chapter 3 of the Lane Manual to Change Membership Size from 15 to 12; Approving Committee By-Law Changes (LM 3.530).

II. AGENDA ITEM SUMMARY

The Board is being asked to revise the Lane Manual to create one year terms for public officials serving on the Community Action Advisory Committee and to change the committee membership size from 15 members to 12. The Board is also being asked to approve a revision of the committee's by-laws.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Board of County Commissioners (BCC) has served as the governing board for Lane County's Community Action Agency (CAA) since 1972. In 1983 the mandated tripartite Community Action Advisory Committee (CAAC) began advising the Board of County Commissioners and the Human Services Commission on policy, effectiveness and planning related to the expenditure of federal, state and local anti-poverty funds.

Lane Manual Chapter 3 (LM 3.530) establishes four year terms for fifteen CAAC members.

ORS 458.505(4)(b)(A) states that one-third of the Community Action Board consists of "elected public officials currently serving" or their designees. Historical practice has been for jurisdictions to make annual appointments to the CAAC. Board order 06-9-13-13 waived the term requirement for a public official appointment on the condition that the Human Services Commission prepare a recommended rule change.

In 1998, the Board approved and increase in the CAAC membership size from nine to fifteen (Order No. 98-1-7-19). Although positions on the CAAC have been duly advertised, the active membership has been less than the desired level for a fifteen member committee.

State of Oregon, Housing and Community Services staff have recommended changing the CAAC membership size in order to meet the expectations of the Community Services Block Grant Act Sec.676B(b)(1) and ORS 458.505(4)(b).

CAAC members have reviewed and approved changes to the committee bylaws and have recommended submission to the BCC for final authorization.

B. Policy Issues

According to ORS 458.505(4)(b) CAA shall have "a community action board of at least nine but no more than 33 members".

ORS 458.505(4)(b) states that one-third of the members of the board are elected public officials or their designees, at least one-third are representatives of the poor in the area served and the remainder are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community. The ORS is silent on the subject of terms.

The Community Services Block Grant (CSBG) Act Sec.676B(b) requires public organizations to administer the CSBG through a tripartite board.

Lane Manual 3.506(2)(d) states "no vendor shall serve on any advisory committee or board that deals with or makes recommendations on or awards of contracts with the vendor".

Lane Manual 3.506(1)(c) establishes that "All actions of the Committee shall require the affirmative vote of the majority of the designated number of members, regardless of any vacancies."

Lane Manual 5.530 reflects current practice of regular monthly meetings.

C. Board Goals

The recommended action of changing CAAC membership to twelve continues the Lane County's Strategic Plan of providing opportunity for citizen participation.

D. Financial and/or Resource Considerations

There is no financial impact of these recommended actions.

E. Analysis

The Human Services Commission staff believe there are compelling reasons to create one year terms for public officials serving on the CAAC, to change the committee membership size to 12 and to approve a revision of the committee's by-laws.

1. Changing the public official term to one year will bring the current practice in compliance with the Lane Manual.
2. Reducing the advisory committee membership size to twelve will bring the Lane County CAAC in compliance with ORS 458.505(4)(b) and Community Services Block Grant (CSBG) Act Sec.676B(b) and ensures continued eligibility for State and Federal funding.
3. The CAAC bylaw revisions include housekeeping items and establish constancy between the bylaws, Lane Manual, and current practices.

F. Alternatives / Options

1. To change public official membership term to one year, change the number of CAAC members to twelve and approve CAAC bylaw revisions.
2. To make no change.

IV. TIMING/IMPLEMENTATION

These changes would be integrated into the Lane Manual immediately upon adoption.

V. RECOMMENDATION

Staff recommends adoption of 1, above.

VI. FOLLOW-UP

These changes would also be incorporated into the on-line version of the Lane Manual.

VII. ATTACHMENTS

Board Order
Community Action Advisory Committee description LM 3.530
Community Action Advisory Committee Bylaws
ORS 458.505
Community Services Block Grant (CSBG) Act Sec.676B

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.
08-7-9-2

IN THE MATTER OF AMENDING CHAPTER 3 OF THE LANE MANUAL TO CREATE A ONE-YEAR TERM FOR PUBLIC OFFICIALS SERVING ON THE COMMUNITY ACTION ADVISORY COMMITTEE; AMENDING CHAPTER 3 OF THE LANE MANUAL TO CHANGE MEMBERSHIP SIZE FROM 15 MEMBERS TO 12; APPROVING COMMITTEE BY-LAW CHANGES (LM 3.530)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 3 is hereby amended by deleting, substituting, and adding the following section:

DELETE THIS SECTION

3.530
as located on pages 3-67 through 3-68
(a total of 2 pages)

INSERT THIS SECTION

3.530
as located on pages 3-67 through 3-68
(a total of 2 pages)

Said section is attached hereto and incorporated herein by reference. The purpose of this substitution and addition is to revise the membership and term lengths of the Community Action Advisory Committee (LM 3.530).

Adopted this _____ day of _____ 2008.

Chair, Lane County Board of Commissioners

APPROVED AS TO FORM
Date 6/27/08, Lane County
J. Fairclaw
OFFICE OF LEGAL COUNSEL

MEMBERSHIP: (12) Consists of 12 persons who are broadly representative of the community, with a balance of age, sex, ethnic, socioeconomic, geographic, professional and consumer interests represented. Membership shall include advocates for persons with mental or emotional disturbances, drug abuse problems, mental retardation or other developmental disabilities and alcoholism and alcohol abuse problems. It shall also include a number of minority members which reasonably reflects the proportion of the needs for alcoholism treatment and rehabilitation services of minorities in the community. Subcontractors of mental health services, their employees and their board members are barred from membership on this committee.

TERM: 4 years, ending August 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00; 07-12-5-2, 12.5.07*)

3.526 Farm Review Board.

Advises the County Assessor with respect to the use of comparable sales figures in assessing agricultural land; the Board also advises the County Assessor as to whether figures or factors are proper under ORS 308A.092.

STAFFING: Department of Assessment and Taxation

MEETS: Once or twice each year

MANDATED: ORS 308A.095

MEMBERSHIP: (5) Two appointed by the Board of Commissioners, two appointed by the Assessor and fifth member chosen by other four members.

TERM: 2 years for Commissioner and Assessor appointees, 1 year for joint appointee, all ending January 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.528 Historic Resources Committee (Lane County).

Represents a variety of historical interests and the interests of the property owners. Its tasks shall include: general concern with historical matters in the County; to monitor conditions affecting such resources; to devise criteria and methods for the selection of newly-designated historical resources; to advise the staff and officials of the County on proposed new historical sites and structures; to oversee the administration of the Historic Structures or Sites ordinance; and to perform other related tasks and duties. The Committee reports to the Planning Commissions and subsequently to the Board of County Commissioners.

STAFFING: Department of Public Works, Land Management Division

MEETS: Monthly

MANDATED: Lane County Goal 5, Policy 1 and Statewide Planning Goal 5

MEMBERSHIP: (7) Reflects the geographic diversity of the County and other requirements of the Goals.

TERM: 4 years, ending November 30 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.530 Community Action Advisory Committee.

Provides advice to the Board of County Commissioners on the emergency basic needs and community action service systems, to address the needs of low income citizens of Lane County. Its tasks shall include: Reviewing and approving program policy related to the expenditure of federal and state anti-poverty funds; being involved in and consulted on the hiring and firing of the designated Community Action Program Coordinator/Administrator; monitoring and evaluating program effectiveness; insuring the effectiveness of community involvement in the planning process; assuming all duties delegated it by the Board of County Commissioners.

STAFFING: Department of Health and Human Services

MEETS: Monthly
 MANDATED: ORS 458.505

MEMBERSHIP: (12) The Committee shall consist of twelve members appointed by the Lane County Board of Commissioners. Representation shall be as follows: A third of the members shall be public officials currently serving or their designees; at least a third of the members shall be representatives of low income persons in Lane County; the balance of the members shall represent business, industry, labor, religious, welfare, education or other major groups of interest in the community.

Public officials shall consist of at least one Lane County member, one City of Eugene member and one City of Springfield member.

The remaining members are appointed by Board of Commissioners. Subcontractors of emergency basic needs or community action services, their employees and their board members are barred from membership on this committee.

TERM: 1 year, public officials
 4 years, others, ending June 30 *(Revised by Order No. 00-8-16-1;*

Effective 8.17.00)

3.534 Community Health Council

Provides assistance and advice to the Board of Commissioners and the Health & Human Services Department's Community Health Centers of Lane County (CHCLC) in promoting its mission to provide comprehensive health care that is quality-driven, affordable and culturally competent to the people of Lane County. The Community Health Council will provide input and feedback to generally advise the development, implementation and evaluation of CHCLC programs, including but not limited to all programs funded through the Federal Bureau of Primary Health Care Grant(s). This may include providing feedback and advice regarding the health care needs of Lane County residents. One goal of the Community Health Council is to review marketplace trends and to provide assistance and advice which reflect the economic realities of the marketplace. The Council shall participate in the selection and evaluation of the CHCLC Project Director/Program Manager, in accordance with County personnel policies and procedures. This Council shall assist with monitoring CHCLC operation in accordance with applicable federal, state and local laws and regulations; participate in planning and reviewing the CHCLC budget; review the budget and financial plan for each fiscal year, as well as the project budget and primary care grant renewals, and give recommendations prior to their submission to the Board of County Commissioners for adoption, in accordance with local budget law. The Council shall participate in planning, measuring and evaluating the CHCLC's progress in meeting its annual and long-term programmatic and financial goals, including client satisfaction with the services offered; participate in selecting the services provided by the CHCLC and in determining its operating hours and which services will be offered at which sites; participate in adopting health care policies regarding scope and availability of services; participate in approving or disapproving subsequent grant applications for the CHCLC's programs. The Council shall work with the H&HS/CHCLC's management team and with community leaders to actively engage in long-term strategic planning to build sustainability for the centers.

STAFFING: Department of Health & Human Services

MEETS: Monthly

MANDATED: Section 330 of the Public Health Service Act (42 U.S.C. 254b, et seq., as now or hereafter amended) and CFR 42 Part 51c subpart C.

MEMBERSHIP: (17) The Council shall have 17 members. Representation shall be from consumers, health care providers and community representatives as

At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

3.5263-534

Lane Manual

~~3.530-3.534~~

MEMBERSHIP: (12) Consists of 12 persons who are broadly representative of the community, with a balance of age, sex, ethnic, socioeconomic, geographic, professional and consumer interests represented. Membership shall include advocates for persons with mental or emotional disturbances, drug abuse problems, mental retardation or other developmental disabilities and alcoholism and alcohol abuse problems. It shall also include a number of minority members which reasonably reflects the proportion of the needs for alcoholism treatment and rehabilitation services of minorities in the community. Subcontractors of mental health services, their employees and their board members are barred from membership on this committee.

TERM: 4 years, ending August 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00; 07-12-5-2, 12.5.07*)

3.526 Farm Review Board.

Advises the County Assessor with respect to the use of comparable sales figures in assessing agricultural land; the Board also advises the County Assessor as to whether figures or factors are proper under ORS 308A.092.

STAFFING: Department of Assessment and Taxation

MEETS: Once or twice each year

MANDATED: ORS 308A.095

MEMBERSHIP: (5) Two appointed by the Board of Commissioners, two appointed by the Assessor and fifth member chosen by other four members.

TERM: 2 years for Commissioner and Assessor appointees, 1 year for joint appointee, all ending January 31 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.528 Historic Resources Committee (Lane County).

Represents a variety of historical interests and the interests of the property owners. Its tasks shall include: general concern with historical matters in the County; to monitor conditions affecting such resources; to devise criteria and methods for the selection of newly-designated historical resources; to advise the staff and officials of the County on proposed new historical sites and structures; to oversee the administration of the Historic Structures or Sites ordinance; and to perform other related tasks and duties. The Committee reports to the Planning Commissions and subsequently to the Board of County Commissioners.

STAFFING: Department of Public Works, Land Management Division

MEETS: Monthly

MANDATED: Lane County Goal 5, Policy 1 and Statewide Planning Goal 5

MEMBERSHIP: (7) Reflects the geographic diversity of the County and other requirements of the Goals.

TERM: 4 years, ending November 30 (*Revised by Order No. 00-8-16-1; Effective 8.17.00*)

3.530 Community Action Advisory Committee.

Provides advice to the Board of County Commissioners on the emergency basic needs and community action service systems, to address the needs of low income citizens of Lane County. Its tasks shall include: Reviewing and approving program policy related to the expenditure of federal and state anti-poverty funds; being involved in and consulted on the hiring and firing of the designated Community Action Program Coordinator/Administrator; monitoring and evaluating program effectiveness; insuring the

At right margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

LEGISLATIVE
FORMAT

3.5343-534

Lane Manual

3.534-3-534

effectiveness of community involvement in the planning process; assuming all duties delegated it by the Board of County Commissioners.

STAFFING: Department of Health and Human Services

MEETS: Monthly

MANDATED: ORS 458.505

MEMBERSHIP: **(12)**~~(15)~~ The Committee shall consist of **twelve** ~~fifteen~~ members **appointed by the Lane County Board of Commissioners**. Representation shall be as follows: **A third** ~~Five~~ of the members shall be public officials currently serving or their designees; **at least a third** ~~five~~ of the members shall be representatives of low income persons in Lane County; **the balance** ~~five~~ of the members shall represent business, industry, labor, religious, welfare, education or other major groups of interest in the community.

Public officials shall consist of ~~three members currently serving on the Human Services Commission~~; **at least one** Lane County member, one City of Eugene member and one City of Springfield member.; ~~two members shall be designees representing the Community Development Advisory Committees of Eugene and Springfield.~~

The remaining members are appointed by Board of Commissioners. Subcontractors of emergency basic needs or community action services, their employees and their board members are barred from membership on this committee.

TERM: **1 year, public officials**

4 years, **others**, ending June 30 *(Revised by Order No. 00-8-16-1;*

Effective 8.17.00)

3.534 Community Health Council

Provides assistance and advice to the Board of Commissioners and the Health & Human Services Department's Community Health Centers of Lane County (CHCLC) in promoting its mission to provide comprehensive health care that is quality-driven, affordable and culturally competent to the people of Lane County. The Community Health Council will provide input and feedback to generally advise the development, implementation and evaluation of CHCLC programs, including but not limited to all programs funded through the Federal Bureau of Primary Health Care Grant(s). This may include providing feedback and advice regarding the health care needs of Lane County residents. One goal of the Community Health Council is to review marketplace trends and to provide assistance and advice which reflect the economic realities of the marketplace. The Council shall participate in the selection and evaluation of the CHCLC Project Director/Program Manager, in accordance with County personnel policies and procedures. This Council shall assist with monitoring CHCLC operation in accordance with applicable federal, state and local laws and regulations; participate in planning and reviewing the CHCLC budget; review the budget and financial plan for each fiscal year, as well as the project budget and primary care grant renewals, and give recommendations prior to their submission to the Board of County Commissioners for adoption, in accordance with local budget law. The Council shall participate in planning, measuring and evaluating the CHCLC's progress in meeting its annual and long-term programmatic and financial goals, including client satisfaction with the services offered; participate in selecting the services provided by the CHCLC and in determining its operating hours and which services will be offered at which sites; participate in adopting health care policies regarding scope and availability of services; participate in approving or disapproving subsequent grant applications for the CHCLC's programs. The Council shall work with the

**BY-LAWS
OF THE LANE COUNTY
COMMUNITY ACTION ADVISORY COMMITTEE**

ARTICLE I. COMMUNITY ACTION ADVISORY COMMITTEE

This Committee shall be known as the Lane County Community Action Advisory Committee, hereafter referred to as the Committee.

ARTICLE II. RESPONSIBILITIES OF THE COMMITTEE

It shall be the responsibility of the Community Action Advisory Committee to advise the Board of County Commissioners in the review of policies, planning, and programs that assist low income citizens to meet their basic needs and to achieve self-sufficiency. Specific duties of the committee are as follows:

Section 1. Assist in assessing the needs of low income citizens in Lane County, evaluating the service systems capacity to meet those needs, and disseminating the committee's finding to policy makers, funders, providers, and other interested persons and entities in the community;

Section 2. Participate in the formation of recommendations on system policies for meeting basic needs of low income citizens and for promoting their self-sufficiency and dignified living;

Section 3. Review information provided by staff which monitors and evaluates system and program effectiveness in accomplishing established goals, objectives, and priorities for service delivery to low income citizens;

Section 4. Assist in service planning by providing advice in the development of an annual plan of action which specifies strategies and activities to make progress toward meeting the goals of the plan;

ARTICLE III. MEMBERSHIP

Section 1. *Size:* The committee shall consist of ~~twelve up to fifteen but no less than nine~~ members appointed at-large by the Board of Commissioners. Subcontractors of emergency basic needs or community action services, their employees and their board members are barred from membership on this committee.

Section 2. *Elected officials or their designee:* ~~Five~~ One third of the members shall be elected public officials currently serving or their designees.

Section 3. *Low income representatives:* Five At least one third of the members are to be representatives of low income persons in Lane County.

Section 4. *Private sector:* The balance One third of the members shall represent business, industry, labor, religious, welfare, education or other major groups of interest in the community.

Section 5. *Appointment:* In choosing the members, the County Commissioners shall each have one vote.

Section 6. *Terms:* A one-year term commencing on January 15, shall be assigned to each elected representative appointed to the committee. All other appointments shall be appointed for a term of four years, except the initial appointments shall be staggered in one, two, three, and four year terms. Terms to end June 30.

Section 7. *Removal:* For good cause, such as missing two consecutive regular committee meetings without notice or explanation, a letter will be sent to the member requesting clarification of membership status. The committee may recommend to the Board of Commissioners that the member's position be declared vacant and a replacement be selected. Such appointments shall be for the duration of the unexpired term.

Section 8. *Replacement:* In the event that a member is unable to complete his/her term on the committee, the Board shall be notified as soon as possible for appropriate consideration and action. The newly appointed member shall serve the remainder of the original term.

ARTICLE IV. OFFICERS AND DUTIES

Section 1. The officers of this Committee shall consist of a Chairperson and Vice Chairperson to be elected by the voting membership of the committee. The term of office shall be one year or until a successor has been appointed. In the case of a vacancy occurring in the office of chairperson or vice chairperson, the committee shall fill the same by election at its regular meeting.

Section 2. It shall be the duty of the chairperson to preside at all meetings of the committee; to enforce observation of the By-Laws; to decide all questions of order; to offer for consideration all motions regularly made; to apportion duties of the members of the committee; to call all special meetings; and to appoint all necessary subcommittees; the chair is entitled to vote on all issues.

Section 3. In the absence of the chairperson the vice-chairperson shall assume the duties of the office of the chairperson.

ARTICLE V. MEETINGS OF THE COMMITTEE

Section 1. *Regular:* The committee shall establish the time and place for holding regular ~~monthly~~ quarterly meetings. These will, to the degree possible, be the same time, day, and place ~~each quarter~~. The committee may meet more frequently during the budget process.

Section 2. *Special:* Special meetings of the committee may be called by the chair, or in the absence of the chair, the vice-chair, or a majority of the committee.

Section 3. *Public notice:* All meetings of the committee shall comply with the Public Meeting Law as set forth in ORS 192.610 through 192.710. The committee is responsible for compliance with the law, including but not limited to the requirements of notice and written minutes of meetings.

Section 4. *Quorum:* A quorum for the purpose of doing business shall be a majority of the committee membership which constitutes half plus one.

Section 5. *Parliamentary authority:* All meetings shall be conducted in accordance with Robert's Rules of Order.

Section 6. *Voting:* Each member of the Committee shall be entitled to one vote on all issues at meetings at which the member is present, except as provided in Article VII (Conflict of Interest), and no proxy votes shall be allowed. The act of a majority of the total designated membership shall be the act of the Committee. All actions of the Committee shall require the affirmative vote of the majority of the designated number of members, regardless of any vacancies.

ARTICLE VI. SUBCOMMITTEES

Section 1. *Number and designation:* The committee shall have the power to create subcommittees, both permanent functional and ad-hoc, in numbers and with responsibilities believed by the committee to be necessary.

Section 2. *Membership:* Each permanent subcommittee will consist of at least three members of the committee.

Section 3. *Chairpersons:* The committee chairperson shall appoint and charge a Chairperson for each subcommittee.

ARTICLE VII. CONFLICT OF INTEREST

In accordance with ORS Chapter 244, no committee or subcommittee member shall participate in a decision in which he or she has a private pecuniary interest. Affected

members shall disqualify themselves from participation by written notification to the committee as mandated by ORS 244.120.

ARTICLE VIII. AMENDMENTS OF BY-LAWS

These by-laws may be amended or repealed or new by-laws adopted by ~~a majority~~ two-thirds vote of the members at any regular or special meeting called for that purpose at which a quorum is present and the approval of the County Board of Commissioners. Written notice of such proposed amendment, and the nature of, shall have given to the membership at least 10 days prior to the date of the meeting at which the amendments are to be considered.

458.505 Community action agency network as delivery system for federal antipoverty programs; duties of Housing and Community Services Department.

- (1) The community action agency network, established initially under the federal Economic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, State Department of Energy Weatherization Program and such others as may become available.
- (2) Funds for such programs shall be distributed to the community action agencies by the Housing and Community Services Department with the advice of the Community Action Directors of Oregon.
- (3) In areas not served by a community action agency, funds other than federal community services funds may be distributed to and administered by organizations that are found by the Housing and Community Services Department to serve the antipoverty purpose of the community action agency network.
- (4) In addition to complying with all applicable requirements of federal law, a community action agency shall:
 - (a) Be an office, division or agency of the designating political subdivision or a not for profit organization in compliance with ORS chapter 65.
 - (b) Have a community action board of at least nine but no more than 33 members, constituted so that:
 - (A) One-third of the members of the board are elected public officials currently serving or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;
 - (B) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and
 - (C) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.
 - (c) If the agency is a private not for profit organization, be governed by the Community Action Board. The board shall have all duties, responsibilities and powers normally associated with such boards, including, but not limited to:
 - (A) Selection, appointment and dismissal of the executive director of the agency;
 - (B) Approval of all contracts, grant applications and budgets and operational policies of the agency;
 - (C) Evaluation of programs; and
 - (D) Securing an annual audit of the agency.
 - (d) If the organization is an office, division or agency of a political subdivision, be administered by the board that shall provide for the operation of the agency and be directly responsible to the governing board of the political subdivision. The administering board at a minimum, shall:
 - (A) Review and approve program policy;
 - (B) Be involved in and consulted on the hiring and firing of the agency director;
 - (C) Monitor and evaluate program effectiveness;
 - (D) Ensure the effectiveness of community involvement in the planning process; and

- (E) Assume all duties delegated to it by the governing board.
- (e) Have a clearly defined, specified service area. Community action service areas may not overlap.
 - (f) Have an accounting system that meets generally accepted accounting principles and be so certified by an independent certified accountant.
 - (g) Provide assurances against the use of government funds for political activity by the community action agency.
 - (h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orientation or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program.
 - (i) Provide assurances the community action agency shall comply with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act of 1973.
- (5) For the purposes of this section, the Oregon Human Development Corporation is eligible to receive federal community service funds and low-income energy assistance funds.
- (6) The Housing and Community Services Department shall:
- (a) Administer federal and state antipoverty programs.
 - (b) Apply for all available antipoverty funds on behalf of eligible entities as defined in this section.
 - (c) In conjunction with the Community Action Directors of Oregon, develop a collaborative role in advocating for, and addressing the needs of, all low income Oregonians.
 - (d) Biennially produce and make available to the public a status report on efforts by it and state agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding the numbers and types of persons living in poverty in Oregon.
 - (e) On a regular basis provide information to the Community Action Directors of Oregon on the activities and expenditures of the Housing and Community Services Department.
 - (f) As resources are available, provide resources for technical assistance, training and program assistance to eligible entities.
 - (g) As resources are available, provide resources for the training and technical assistance needs of the Community Action Directors of Oregon.
 - (h) Conduct a planning process to meet the needs of low income people in Oregon. That process shall fully integrate the Oregon Human Development Corporation into the antipoverty delivery system. The planning process shall include development of a plan for minimum level of services and funding for low income migrant and seasonal farmworkers from the antipoverty programs administered by the agency.
 - (i) Limit its administrative budget in an effort to maximize the availability of antipoverty federal and state funds for expenditures by local eligible entities.

in the unserved area, that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this subtitle; and

“(B) a private nonprofit eligible entity that is geographically located in an area contiguous to or within reasonable proximity of the unserved area and that is already providing related services in the unserved area.

“(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

“(A) in each of the three required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

“(B) in the category described in section 676B(a)(2)(B), by members that reside in the neighborhood to be served.

“(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

“(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

42 USC 9910.

“SEC. 676B. TRIPARTITE BOARDS.

“(a) PRIVATE NONPROFIT ENTITIES.—

“(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities.

“(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

“(A) $\frac{1}{3}$ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than $\frac{1}{3}$ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such $\frac{1}{3}$ requirement;

“(B)(i) not fewer than $\frac{1}{3}$ of the members are persons chosen in accordance with democratic selection procedures

adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and

“(ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under clause (i) resides in the neighborhood represented by the member; and

“(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

“(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

“(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than $\frac{1}{3}$ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

“(A) are representative of low-income individuals and families in the neighborhood served;

“(B) reside in the neighborhood served; and

“(C) are able to participate actively in the development, planning, implementation, and evaluation of programs funded under this subtitle; or

“(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the development, planning, implementation, and evaluation of programs funded under this subtitle.

“SEC. 677. PAYMENTS TO INDIAN TRIBES.

42 USC 9911.

“(a) RESERVATION.—If, with respect to any State, the Secretary—

“(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

“(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle, the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

“(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance through a community services block grant made under this subtitle in such State.

“(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.