

# FACT Meeting Minutes

January 4, 2021

9:30 a.m. – 11:30 a.m.

40 Douglas Drive, Martinez, CA

Zoom Meeting



Call to Order – 9:33 am

Committee Member Attendance:

Richard Bell	Carol Carrillo	Joe DeLuca	Mary Flott	
Lisa Johnson – 9:36	Dave Leimsieder – 9:38	Karin Kauzer		Dr. Allyson Mayo – 9:38
Micaela Mota	Katie Callahan	Mujdah Rahim	Jennifer Early	

Staff: Laura Malone, Jan Nelson, Jessica Wiseman

Guests: Ani Pereira Sekhon, Carlyn Obringer, Pa'tanisha Davis, Jenny Tsang

**1. Review and Accept the Minutes (December 7, 2020)**

- Richard Bell motioned to accept the minutes, Katie Callahan seconded. It passed unanimously; Yea: 9, Nay: 0; Abstained: Carol Carrillo, Dave Leimsieder, Jennifer Early

**2. FACT Membership Update, Organization and Action Items**

- *Committee membership update* – Welcome to Jennifer and Dave, appointments approved in December. Mary's shift of seat to District II, on BoS agenda for approval tomorrow, January 5, 2021. Will open the At-Large Seat vacancy for Pa'tanisha. Targeting January FHS meeting and February BoS for review and approval of Pa'tanisha's application. Stephanie Williams-Rogers has officially resigned which leaves a vacancy for District III. District V update Ani has meeting with Supervisor Glover's office this week. With approval Supervisor Glover's office will put Ani's appointment request on the agenda for the next available BoS meeting.

**3. New Member Orientation**

- Joe provided background on Fact to new members:
- Typically \$40-\$60k worth of donations from individuals. We provide donation letters.
- FACT does not compete with agencies for grants. Need to be careful to separate between what non-profits are doing and what FACT is doing.
- Jennifer: Are we allowed to have social media handles? Instagram? Partner with organizations like the Golden State Warriors? By charter we are not restricted. We discussed social media activity previously, it is not feasible given current staffing and labor intensive nature of social media requirements. EHSD.org and Twitter has been used for membership needs through our Marketing Department. We could develop a campaign to post on the EHSD.org website or EHSD Twitter. Provide information regarding what FACT does to the public, but not asking for money.

- Mary is requesting that the committee continue to review the New Member Orientation document and provide feedback. How do we implement it, what is our next step? Is it in a state to send out to new members? Do we create a webpage, not clear on what to do next.
- New members, what would be the most helpful way to introduce process? FAQ suggested. Provide a mentor/guide to help through the first 2 months. Carol offered to provide child abuse prevention presentation/landscape in Contra Costa County to new or existing members.
- Suggestion to email new member orientation document to new members as needed. There is information that is sent out to new members as they are appointed. It would be good to send out at that time. It can be posted online, and it would be available for public access.
- Laura will follow up with Elaine to determine if a vote is required to confirm/approve document.

**4. FACT Site Visit Prep**

- *Orientation* – Previously ran on 2 year grant cycle. FACT has changed to a 3 year grant cycle with recent updates to Charter and Board of Supervisor approval. New contract term would start 7/2021-6/2022. Task before Committee is to virtually attend site visits for the current 7 grantees. Assess and determine if FACT will continue funding.
  - o Pre-assessment guide that looks at stats and comments about the program goals. Review expenses.
  - o Collective discussion to make recommendation to move forward with year 3 funding.
  - o There is an option to ask programs for modifications, if they choose not to, funding could be jeopardized.
  - o Jan has provided letters to all 7 agencies confirming extension option to a 3<sup>rd</sup> year, they all responded positively and were sent their report template to fill out. There is a 1/15 site visit report due date. Once reports are received, the committee member identified as lead can set up the site visit and Jan/Laura will provide the site visit report to the committee members committed to each agency. Begin scheduling appointments, nothing prior to 1/15.
  - o Want to review results of the site visits at the February FACT Committee Meeting.
  - o EHSD Contracts Unit has asked to have all contract paperwork turned in by March 31 for a July 1, 2021 contract start.
  - o Follow up to address any Zoom access needs for site visits.
- *Site Visit Sign up, team lead, scheduling* – lead will coordinate scheduling

<b><u>Ujima</u></b> Lead – Lisa Micaela Jennifer	<b><u>COPE</u></b> Lead – Dr. Mayo Micaela Jennifer	<b><u>CAPC</u></b> Lead – Karin Mary Jennifer	<b><u>Mt Diablo (Crossroads)</u></b> Lead – Mary Katie Dave
<b><u>CC-ARC</u></b> Lead – Joe Katie *Ani	<b><u>STAND!</u></b> Lead – Richard Lisa	<b><u>CC Hope Solutions</u></b> Lead – Mujdah Dave *Ani	

\*Contingent on FACT Committee Appointment

**5. Brown Act Update**

– December, BoS approved and County Counsel published updates to the Brown Act (body of rules committees are bound to). There cannot be outside activities or decision making that can influence the committee. Email, phone calls, etc. Brown Act has updated the requirement around social media. Update also prohibits a second board member from responding to another board members post, no reaction such as like or posting emoji's. Threats of litigation must be included in Agenda

packets. Return to live meetings, once we receive the order to rescind the virtual meeting allowance.

#### **6. Committee Member Updates**

- Joe: PSA to Lafayette residents going out today regarding the FACT committee donations.

#### **7. Updates**

- FACT Budget Update – Jan provided the FACT budget update and provided details on contractor expenses expended to date.
- Pending Action Items – All FACT committee members to review and discuss next month
  - o BoS presentation discussed doing in the fall instead of May – follow up with Supervisor Anderson to determine what exactly she intended and avoid duplication of pre-existing reporting/presentations.
- Master Calendar – request committee members review document and be prepared to discuss at the next meeting.

#### **8. Discussion/Announcements/Public Comment**

- Are we as FACT members required to donate? No we are not required to donate.
- How can we receive donations if we are not a 501 3c corporation? FACT has been identified as a government organization that can receive tax donation per IRS guidelines. An IRS letter was obtained to confirm the FACT designation. Several inquiries have come in from grantor foundations, requesting the 501 3c exception letter. In lieu of the exception letter, we have information from the CAO in combination with the IRS guideline letter that is provided to requesting agencies. We are expecting \$5,500.00 worth of donations from Chamberlin Associates and Schwab Charitable Foundation. Is there anything we can do to help with the CAO office? CAO office has been very helpful. No current issues with existing documentation or donation processing.

**Adjourn – 11:26 am**

## PENDING ACTION ITEMS

<b>Deliverable</b>	<b>Responsible Party</b>	<b>Assigned Date/Due Date</b>	<b>Confirmed Complete at Meeting</b>	<b>Movement if not Complete</b>
BoS presentation	FACT Committee	03-04-19/no due date provided		
Welcome packet for new members	Mary Flott	04-01-19/no due date provided		
FACT Committee Self Evaluation	Julia Miner/FACT Committee	01-07-19/open		
2-3 education sessions regarding available data to add to discussion	FACT Committee	09-09-19/ Due Jan/Feb 2020		
Needs Assessment to leverage County CSA	Laura Malone/Carol Carrillo	06-03-19/Due within 1 year		
Recruiting Verbiage for Membership Advertisement/Distribution	Stephanie Williams-Rogers/Mary Flott	11-04-19/Revisions expected 03-02-20		
Change management facilitation	Dr. Allyson Mayo	01-06-20/05-04-20		
Review RFP Proposed timeline prior to next meeting/will bring to a vote	FACT Committee members	01-06-20/03-02-20		
Create FACT talking points	Mary Flott	02-03-20		
Resilience movie presentation	Carol Carrillo	03-02-20		
Create a list of all community issues observed during site visits	FACT Committee	03-02-20		
Provide deliverables from Grantees regarding the COVID changes	Laura/Jan	10-05-20		
Write up letter confirming extension of contracts into 3 <sup>rd</sup> year	Laura/Jan	10-05-20	COMPLETE, confirmed at 1/4/2021 meeting	
Jewish Family response letter	Mary Flott	10-05-20		

## ADDITIONS FROM THIS MEETING

<b>Deliverable</b>	<b>Responsible Party</b>	<b>Assigned Date/Due Date</b>

## FACT ROSTER December 2020

Committee Seats (5)	At-Large Members (5)	District Seats (5)
<p><b>1. First 5 Commission</b> Exp. 09/30/2022 <b>Lisa R. Johnson</b></p> <p><b>2. School Representative</b> Exp. 09/30/2022 <b>Karin Kauzer</b></p> <p><b>3. Child Development Early Childhood Education/Local Planning Council</b> Exp. 09/30/2022 <b>Micaela Mota</b></p> <p><b>4. Child Abuse Prevention Council</b> Exp. 09/30/2021 <b>Carol Carrillo, MSW</b></p> <p><b>5. Mental Health</b> Exp. 09/30/2021 <b>Dr. Allyson Mayo</b></p>	<p><b>1. Mary Flott</b> Exp. 09/30/2022</p> <p><b>2. Katie Callahan Cisco</b> Exp. 09/30/2022</p> <p><b>3. David Leimsieder</b> Exp. 09/30/2021</p> <p><b>4. Joseph DeLuca</b> Exp. 09/30/2021</p> <p><b>5. Jennifer Early</b> Exp. 09/30/2022</p> <hr/> <p style="text-align: center;"><b>Staff to FACT (2)</b></p> <p><b>Elaine Burres</b> 40 Douglas Drive Martinez, CA 94553 O: (925) 608-4960 <a href="mailto:eburres@ehsd.cccounty.us">eburres@ehsd.cccounty.us</a></p> <p><b>Laura Malone (temp)</b> 40 Douglas Drive Martinez, CA 94553 O: (925) 608-4943 <a href="mailto:malonl@ehsd.cccounty.us">malonl@ehsd.cccounty.us</a></p> <p style="color: red;"><b>Reception: (925) 608-5000</b></p>	<p><b>District I</b> Exp. 09/30/2021 Supervisor John Gioia <b>Richard Bell</b></p> <p><b>District II</b> Exp. 09/30/2021 Supervisor Candace Andersen <b>Mary Flott</b> Exp. 09/30/2022</p> <p><b>District III</b> Exp. 09/30/2022 Supervisor Diane Burgis <b>PENDING Vacancy</b></p> <p><b>District IV</b> Exp. 09/30/2021 Supervisor Karen Mitchoff <b>Mujdah Rahim</b></p> <p><b>District V</b> Exp. 09/30/2021 Supervisor Federal Glover <b>Vacant</b></p>

FINAL - Updated December 15, 2020

Blue Highlights represent Appointments or Vacancies Pending Final Approvals in January 2021

## Outline for Proposed FACT WELCOMES YOU

- I. Welcome to new FACT members
  - A. Background
  - B. Meetings – members, quorum, locations
  - C. Introduction to FACT Priorities around child abuse
  - D. Introduction to EHSD
  - E. FACT Calendar
  - F. Responsibilities of members
- II. FACT RFP Process
  - A. Introduction to FACT RFPs
  - B. FACT funding sources
  - C. FACT grant oversight and grantee reports
- III. FACT and EHSD
- IV. Resources and information on child abuse and neglect, child safety and early childhood development resources
- V. Attachments
- VI. Links to resources

**DRAFT**

## Welcome to the Family and Children's Trust Committee

### Overview

The **Family and Children's Trust Committee** has been an advisor to the Contra Costa Board of Supervisors since 1985. Members of the FACT Committee include residents with expertise in children's issues, education, law, non-profit agency management, public health, and program research/evaluation and concerned citizens of Contra Costa County.

Members of the Family and Children's Trust Committee represent all five Contra Costa County supervisorial districts. There are also **XXXXXX** at-large members also from Contra Costa County. FACT also relies on membership from those from specific areas of expertise:

Mental health

Local Area Planning

First 5 Commission

Child Abuse Prevention Council of Contra Costa – non-vol

Faith Based Community

Substance Abuse Advisory Committee

Early Childhood Education/Development

The committee has a Chairperson, currently **DeLuca**, and a Co-chairperson, currently **Mary Flott**. These persons lead the monthly meetings and provide other active support for the work of FACT. Board-at-large district members are voting members of the committee.

The Committee may form subcommittees to address specific needs of FACT. Subcommittees are able to meet outside of normal FACT monthly meetings.

Committee meetings are held on the first Monday of the month at 9:30 AM in Martinez. Currently, meetings are virtual, using the ZOOM app due to the Covid virus.

**The primary work of the FACT Committee is to make funding recommendations on the allocation of funds for the prevention of child abuse and neglect and supportive services for families and children.** The Committee has developed a competitive bidding process to select non-profit, community-based agencies that can best provide the services determined to be most beneficial to at-risk families. Program grant recommendations are made to the Board of Supervisors which makes the final funding decisions. The Committee continues to evaluate these funded programs to ensure continued provision of quality service and achievement of the organization's stated goals. **Programs currently being supported include parenting classes, treatment for families, young children and teens with both substance abuse and child abuse issues,**

services for homeless families, and projects to support children whose mothers have been victims of domestic violence and sexual assault.

Child abuse and child neglect are continuing social problems, which need the support of our community. The impact of child abuse goes far beyond its child victims; it affects entire families, our schools and our greater communities. The physical and emotional scars and the financial burden endure years after abuse occurs. Child maltreatment has been shown to create life long challenges for victims: poor health outcomes, incarceration, child welfare needs, special educational needs, and poor adult productivity.

Evidence based research provides the FACT Committee with a standard for determining the most effective strategies to support families and prevent incidents of abuse and neglect. This standard is known as the **five protective factors**. By developing these protective factors, families will be more aware of their own risks and more prepared to avoid abusive behavior:

**Social and emotional competence of children**

**Knowledge of parenting and child development**

**Parental resilience**

**Social connections**

**Concrete support**

The FACT Committee identifies these factors in its Requests for Proposals and asks applicants to address their organization's reliance on them. This helps to create a recognized norm for applicants beyond their specific program strategies. To read more about these risk factors, please go to <https://cssp.org/wp-content/uploads/2018/11/About-Strengthening-Families.pdf>

The FACT Policies and Procedures document will be attached at the end of this document and can be accessed at **Put in web address**

### How the FACT Committee works

Meetings are conducted by the FACT Chairperson, currently Joe DeLuca, or the Co-chair, currently Mary Platt.

For a meeting to be called to order there must be a sufficient number of voting FACT Members in attendance, or a quorum. **A quorum is one more than half of our membership.** Members will receive emails in advance of each meeting prompting members to attend and to let the committee staff know of their plans to attend or not to attend. This is important as a number of members drive many miles to attend these meetings and it is necessary to know in advance that a quorum is expected. Absence a quorum no FACT business or discussion may take place.

Each meeting follows a published agenda. Members will receive this agenda in advance of the meeting by email. In order for additions or changes to be made to the published agenda, the information must reach the FACT staff representative, currently Jessica Wiseman, at the county's Employment and Human Services Department by **XXxXxxxxx**



before the meeting for it to be included in the agenda. FACT meetings are a matter of public record thus requiring sufficient lead time for interested members of the public to see the complete agenda on the Contra Costa County website before meetings.

Members of the public are welcome to attend meetings and to comment on FACT discussions and activities. FACT meeting minutes are for public record.

Meetings will follow the monthly agenda with open discussion and an opportunity for any member to contribute. Some FACT decisions or actions require a passing vote from the committee. Any member can make a motion for a vote or to second the motion. A vote is then taken. **Members must be physically present at a meeting to participate in a vote or to be included in the quorum number.**

The FACT Committee has the staff support of the Employment and Human Services Department. Currently we have the support of:

Jessica Wiseman

Secretary to Roslyn Gentry, Deputy Director of Children & Family Services  
Employment & Human Services Department, Contra Costa County

40 Douglas Dr, Martinez, CA 94553

Email: [wisemja@ehsd.cccounty.us](mailto:wisemja@ehsd.cccounty.us)

Phone: 925-608-4826

Laura Malone

Children and Family Services

Contra Costa County Employment & Human Services Department

40 Douglas Drive

Martinez, CA 94553

malonl@ehsd.cccounty.us

(925) 608-4943

Elaine Burris

Contra Costa County Employment & Human Services Department

40 Douglas Drive

Martinez, CA 94553

EBURRES@ehsd.cccounty.us

(925) 608-4962

## FACT Calendar

The FACT calendar, which changes each year due to holidays, staffing and other variables, is a critical part of guiding the committee's work. Currently, FACT funding is on a three-year cycle. Contra Costa County Employment and Human Services Department (EHDS) has responsibility for creating and administering contracts with grantees and for disbursing grant funds. In order for EHSD to review and administer FACT's work such as requests for proposals, proposals submitted to the FACT Committee, the preparation of contracts and other business matters, **it is important for the committee to adhere to a schedule of activities and dates.** The FACT calendar is the same as the EHDS fiscal calendar, July 1<sup>st</sup> through June 30<sup>th</sup>.

## Committee members' responsibilities

Every **two years?** **conduct FACT needs assessment**, including establish content for community member and professional surveys (web-based and in-person), community and professional discussions/meetings and review/analysis of other current studies and information, to establish a minimum of two priority areas for funding of services

Every three years **develop a Request For Proposals** based on priority areas of service need; review and rate all responding proposals; recommend to EHSD Director and Board of Supervisors the award of contracts, including level of funding

Every three years **attend the public discussion and decision-making meeting** for grant proposals

Every three years **perform on-site monitoring visits** to FACT contracted agencies, including program reviews; document report results, present at FACT meeting

### Monthly meeting participation

Review site visit reports and **provide recommendation on contract renewal**

Public information activities and coordination/collaboration discussion with related programs/agencies to inform and educate the Contra Costa County community about the work of the FACT Committee, as appropriate for individual FACT members

Review and **approve tax insert** content for fundraising

Review **application for FACT committee membership**, including interviews with prospective members

Donor letter review and signature by the Chairperson and/or Vice-Chairperson

Usual duties as provided in Roberts Rules of Order - Chairperson and Vice-Chairperson

## Introduction to REQUESTS FOR PROPOSALS

During a funding year FACT will prepare and disseminate a Request for Proposals. Members are encouraged to read the entire RFP to fully understand the guidelines. The RFP will be distributed to prospective applicants. Included in the RFP will be information for **applicants to attend a mandatory bidder's conference** to gain knowledge and ask questions regarding the RFP. FACT Members are encouraged but not required to attend this bidder's conference. Subsequently, organizations choosing to apply for FACT funding will submit their proposals.

Proposals are then examined by EHSD for the fiscal and legal compliance of the organizations.

It is only after this process that the FACT Committee members go to work reading and evaluating each proposal. Members are provided with scoring materials to assist them in rating each submission fairly. Members are provided with hard copies of each

proposal to take home, read and determine their scores. Members are required to **base their scoring on only** the proposal without additional research.

After members have read and scored each proposal independently the entire committee meets publicly to discuss the proposals in depth, compare their impressions and make decisions on funding. During this meeting proposals are referred to by a number rather than the name of the organization. Grant applicants and the public may attend this meeting however they may not comment on the discussions. Applicants in attendance will not know the names of the funded organizations at this time – they will hear only the number assigned to the proposal. New grantees will be announced publicly at a later date.

**During a non-funding year** FACT has grant oversight responsibilities. During this period FACT also works to edit and improve its RFPs and its internal documents.

### **Introduction to FACT Funding Sources**

It is important to understand the sources of funds distributed by FACT's recommendations. These funds include:

The Child Abuse Prevention, Intervention, and Treatment - CAPIT funds  
Community-Based Child Abuse Prevention - CBCAP funds  
Birth Certificate fees  
The Ann Adler Family and Children's Trust funds, license plate fees,  
Other funds as may be subsequently directed by the Board of Supervisors  
FACT fundraising through property tax bills mailed to residents

### **FACT Oversight and Grant Reports**

Also during a non-funding year FACT has oversight responsibilities. FACT members arrange to provide a site visit to each funded organization. This allows members to see first hand the work that is being done, hear from the grantee's staff, ask questions about the work and the impact of FACT funding on their outcomes. After making a site visit, members then make a verbal report to the committee at a monthly meeting with their reactions, impressions and their recommendations on continuing or discontinuing funding for another year.

Grantees are required to make regular written reports to FACT. These reports go first to the county's EHSD and are distributed to the Chairperson and Co-chairperson and are available to any FACT member.

### **FACT and Employment and Human Services Department**

**The following is something I included - now not sure whether to include it or not – EHDS responsibilities:**

RFPs - documentation, publication, coordination, packet assembly, communication and distribution to FACT Committee, result tabulation, award/denial notifications ASAlls & Contracts Administrator

Contract/Account management – generation, coordination, documentation, negotiation, demand payment processing, fiscal monitoring/reporting ASAlls & Contracts Administrator

Site Visit Monitoring Support – report generation, coordination, communication, tracking ASAlls

Meeting Support – agenda, minutes, distribution, posting, scheduling, hosting, material preparation, meeting follow-up, action item response and resolution Secretary, ASAlls

Meeting Participation ASAlls,

Contracts Administrator, Secretary Annual OCAP Reporting - vendor and OCAP coordination, communication, data gathering and consolidation, completing State template/report, report submission to OCAP, resolution of report issues with OCAP Analyst and revision of report based on OCAP feedback ASAlls

Property Tax Bill Donor Support – Insert preparation, print and mail facilitation, donor log, donor thank you letters Secretary, ASAlls

Membership – tracking and facilitation of new and annual renewal membership requests through the county approval process, coordination and planning of membership renewals with members, new member communication

**DRAFT**

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## **How the FACT Committee works**

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For a meeting to be called to order there must be a sufficient number of voting FACT Members in attendance, or a quorum. **A quorum is one more than half of our membership.** The FACT Committee seats one ex-officio member as an advisor, however it is not voting seat and their attendance does not apply to a quorum. Members will receive emails in advance of each meeting prompting members to attend and to let the committee staff know of their plans to attend or not to attend. This is important as a number of members drive many miles to attend these meetings and it is necessary to know in advance that a quorum is expected. Each meeting follows a published agenda. Members will receive this agenda in advance of the meeting by email. In order for additions or changes to be made to the published agenda, the information must reach the FACT staff person, currently Jessica Wiseman at the county's Employment and Human Services Department by XXxXxxxxx before the meeting for it to be included in the agenda. FACT meetings are a matter of public record thus require sufficient lead time for interested members of the public to see the complete agenda on the Contra Costa County website before meetings. Members of the public are welcome to attend meetings and to comment on FACT discussions and activities.

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## **FACT Calendar**

The FACT calendar, which changes each year due to holidays, staffing and other variables, is a critical part of guiding the committee's work. Contra Costa County Employment and Human Services Department has responsibility for creating contracts with grantees and for making monetary disbursements of grant funds. In order for EHSD to review FACT's work such as requests for proposals, proposals submitted to the FACT Committee, the preparation of contracts and other business matters, it is important for the committee to adhere to a schedule of activities and dates. The EHSD fiscal calendar is July 1<sup>st</sup> through June 30<sup>th</sup>.

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Proposals are then examined by EHSD for the fiscal and legal compliance of the organizations.

It is only after this process that the FACT Committee members go to work reading and evaluating each proposal. Members are provided with scoring materials to assist them in rating each submission fairly. Members are provided with hard copies of each proposal to take home, read and determine their scores. Members are required to base their scoring on **only** the proposal without additional research into any applicant.

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monthly meeting with their reactions, impressions and their recommendations on continuing or discontinuing funding for another year.

### **FACT Funding Sources**

It is important to understand the sources of funds distributed by FACT's recommendations. These funds include:

The Child Abuse Prevention, Intervention, and Treatment (CAPIT) funds (AB 1733)

Community-Based Child Abuse Prevention (CBCAP) funds

Birth Certificate fees (AB2994)

The Ann Adler Family and Children's Trust funds, license plate fees,

Other funds as may be subsequently directed by the Board of Supervisors.



## **Committee member's responsibilities**

Every two years **conduct FACT needs assessment**, including establish content for community member and professional surveys (web-based and in-person), community and professional discussions/meetings and review/analysis of other current studies and information, to establish a minimum of two priority areas for funding of services

Every two years **develop a Request For Proposals** content based on priority areas of service need; review and rate all responding proposals; recommend to EHSD Director and BoS the award of contracts, including level of funding

Every two years **attend the public discussion and decision making meeting** for grant proposals

Every two years **perform on-site monitoring visits** to FACT contracted agencies, including program reviews; document report results, present at FACT meeting

### **Monthly meeting participation**

Review site visit reports and **provide recommendation on contract renewal**

Public information activities and coordination/collaboration discussion with related programs/agencies to inform and educate the Contra Costa County community about the work of the FACT Committee, as is appropriate for individual FACT members

Review and **approve tax bill insert** content

Review **applications for FACT membership**, including interviews with prospective members

Donor letter review and signature by the Chairperson and/or Vice-Chairperson

Usual duties as provided in Roberts Rules of Order - Chairperson and Vice-Chairperson

RFPs - documentation, publication, coordination, packet assembly, communication and distribution to FACT Committee, result tabulation, award/denial notifications  
ASAIIs & Contracts Administrator

Contract/Account management – generation, coordination, documentation, negotiation, demand payment processing, fiscal monitoring/reporting ASAIIs & Contracts Administrator

Site Visit Monitoring Support – report generation, coordination, communication, tracking ASAIIs

Meeting Support – agenda, minutes, distribution, posting, scheduling, hosting, material preparation, meeting follow-up, action item response and resolution  
Secretary, ASAIIs

Meeting Participation ASAIIs,

Contracts Administrator, Secretary Annual OCAP Reporting - vendor and OCAP coordination, communication, data gathering and consolidation, completing State template/report, report submission to OCAP, resolution of report issues with OCAP Analyst and revision of report based on OCAP feedback ASA IIIs

Property Tax Bill Donor Support – Insert preparation, print and mail facilitation, donor log, donor thank you letters Secretary, ASAIIs

Membership – tracking and facilitation of new and annual renewal membership requests through the county approval process, coordination and planning of membership renewals with members, new member communication

**Office of the County Counsel**

1025 Escobar Street, 3rd Floor  
Martinez, CA 94553

Contra Costa County

Telephone: 925.655.2200

Facsimile: 925.655.2263

Writer's Direct Dial: 925.655.2221

*Date:* December 8, 2020

*To:* County Boards, Commissions and Committees, and their  
Administrative Officers and Secretaries

*From:* Sharon L. Anderson, County Counsel  
By: Mary Ann McNett Mason, Chief Assistant County Counsel

*M. A. M.*

*Subject:* Summary of Recent Changes to Open Meeting Laws

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This memorandum summarizes significant changes to the state open meeting law, the Ralph M. Brown Act,<sup>1</sup> ("the Brown Act") and discusses revised procedures for implementation of that law that will apply in 2021.

**A. New Rules for Board Members' Use of Social Media**

Since its inception, to ensure transparency for the public the Brown Act has limited how board members may communicate with one another outside of lawfully noticed public meetings. The Brown Act prohibits a majority of the board<sup>2</sup> members from using a series of outside communications of any kind, whether directly or indirectly or through intermediaries, to discuss, deliberate, or take action on any matter that is within the board's jurisdiction.<sup>3</sup> Such a series of outside communications by a board majority is commonly known as an unlawful "serial meeting." This prohibition has now been revised to acknowledge and address the pervasive use of social media by officials and the public.

1. Individual Board Member's Use of Social Media Permitted.

Effective January 1, 2021, the Brown Act expressly affirms that a board member may use social media to communicate their positions to constituents and the public without causing a serial meeting of the board. The amended law clarifies that most of a board member's communications with the public on social media are permissible. A board member may engage in separate conversations or communications about agency business on any internet-based social media platform that is open and accessible to the public, for the following purposes:

1) To answer questions

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<sup>1</sup> Gov. Code, §§ 54950 et. seq.

<sup>2</sup> "Board" refers to all types of legislative bodies, including commissions, committees, and municipal advisory councils.

<sup>3</sup> Gov. Code, § 54952.2 (b) (1).

- 2) To provide information to the public
- 3) To solicit information from the public regarding a matter in the board's jurisdiction.<sup>4</sup>

These permitted social media communications may include use of digital icons (emoji).

## 2. Response or Reaction by Second Board Member Prohibited.

Effective January 1, 2021, the Brown Act will expressly prohibit board members from replying or reacting to anything another member of the board posts or shares on social media regarding agency business.<sup>5</sup> This means that a board member may not post any sort of reply to the first board member's post about agency business, even if the reply is just a "smiley face" emoji. Similarly, a board member may not "like" or "dislike" or otherwise react to the first board member's post. This rule prohibits a second board member from responding or reacting, even when a board majority is not involved in the social media communication.

The new rules apply to all internet-based social media platforms that are open and accessible to the public.<sup>6</sup> For example, they apply to Facebook, Instagram, and Twitter, to comment sections on blogs and news articles, and to chatrooms. It is recommended that board members begin following these rules immediately, rather than waiting until January 1.

### **B. Threats of Litigation Must Be Included in Agenda Packet**

A recent case from the First Appellate District, *Fowler v. City of Lafayette*, (2020) 46 Cal.App.5<sup>th</sup> 360 held that public agencies must make a written record of a verbal threat of litigation and if that threat is to be discussed in a closed session, the agency must include that record in the agenda packet for the meeting at which the closed session will occur.<sup>7</sup> If the threat of litigation was made in writing, the letter or other communication containing the threat also must be included in the agenda packet for the meeting at which a closed session to discuss the threat will occur. The court reasoned that the Brown Act requires inclusion of threats of litigation in the agenda packet to ensure transparency by making the threat easily available for public inspection.

Should your board, office or department receive a threat of litigation please advise the County Counsel's Office immediately. This office will help you to ensure that proper steps are taken to record and report the threat of litigation.

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<sup>4</sup> Ch. 89, Stats., 2020, adding Gov. Code, § 54952.2 (b) (3).

<sup>5</sup> Id.

<sup>6</sup> Id. at § 54952.2 (b) (3) (B) (ii-iii.)

<sup>7</sup> *Fowler*, 46 Cal.App.5<sup>th</sup> 360 at 369-370.

### **C. A Return to Live Meetings**

One of many actions the Governor took to address the pandemic was issuance of Executive Order 29-20. This order expressly waived all Brown Act requirements for the physical presence of board members, the clerk, or the public as a condition of participation in, or to establish a quorum for a public meeting. The order permits boards to hold public meetings entirely via teleconference or electronically, e.g. by Zoom, and to take public comment through these means. The order provides that it applies only during the period in which state or local officials have imposed or recommended social distancing measures. Currently, Executive Order 29-20 remains effective. We will notify you when the order is rescinded and boards must again hold live meetings and permit live public comment. We cannot predict when this will occur but believe that it is likely to be at some point in 2021.

MAM/am

cc: Members, Board of Supervisors  
County Administrator  
Department Heads and Fire Chiefs  
Clerk of the Board  
County Public Information Officer  
Chiefs of Staff  
Executive Director, Housing Authority  
Executive Director, LAFCO

## FACT 20-21 Contract Expense Report

<b>Contract #</b>	<b>Agency</b>	<b>Budget</b>	<b>Expenditures thru 12/30/2020</b>	<b>Percent Expended</b>	<b>Received Demands</b>
20-267-1	<b>Child Abuse Prevention Council (CAPC)</b>	\$55,655	\$12,914	23%	July-Nov
20-278-1	<b>Contra Costa Advocacy, Respect and Commitment (CC ARC) dba Care Parent Network/Vistability</b>	\$80,000	\$14,167	18%	July-Sep
20-272-1	<b>Hope Solutions (Contra Costa Interfaith Housing)</b>	\$80,000	\$29,707	37%	July-Nov
20-273-1	<b>Counseling Options &amp; Parent Education (COPE)</b>	\$73,000	\$8,482	12%	Oct-Nov*
20-268-1	<b>Mt. Diablo Unified School District</b>	\$80,000	\$41,651	52%	July-Nov
20-276-1	<b>STAND!</b>	\$80,000	\$0	0%	Awaiting demands ***
20-262-1	<b>Ujima</b>	\$80,000	\$33,335	42%	July-Nov
<b>TOTAL</b>		<b>\$528,655</b>	<b>\$140,256</b>	<b>27%</b>	

*\* COPE did not provide services in July - Sept*

*\*\*\* Budget Line Item Adjustment completed on 12/22;  
demands in the process of being prepared for  
submission*

**PENDING ACTION ITEMS**

<b>Deliverable</b>	<b>Responsible Party</b>	<b>Assigned Date/Due Date</b>	<b>Confirmed Complete at Meeting</b>	<b>Movement if not Complete</b>
BoS presentation	FACT Committee/ <u>Vice Chair</u>	03-04-19/no due date provided	<u>Open</u>	<u>Mary to work with Supervisor Andersen officeto schedule for May 2021 ater April 2021 CAPC presentation ; consider moving this to annual master schedule asa routine update</u>
Welcome packet for new members	Mary Flott	04-01-19/no due date provided	<u>Complete</u>	<u>Publish January 2021</u>
FACT Committee Self Evaluation	Julia Miner/FACT Committee	01-07-19/open	<u>Complete</u>	<u>Completed with revises BOS policies and procedures</u>
2-3 educations sessions regarding available data to add to discussion	FACT Committee	09-09-19/ Due Jan/Feb 2020	<u>Open</u>	<u>Need topics</u>
Needs Assessment to leverage County CSA	Laura Malone/Carol Carrillo	06-03-19/Due within 1 year	<u>Remove</u>	<u>Covered on master schedule</u>
Recruiting Verbiage for Membership Advertisement/Distribution	Stephanie Williams-Rogers/Mary Flott	11-04-19/Revisions expected 03-02-20	<u>Complete</u>	
Change management facilitation	Dr. Allyson Mayo	01-06-20/05-04-20	<u>Open</u>	<u>Revisit need</u>
Review RFP Proposed timeline prior to next meeting/will bring to a vote	FACT Committee members	01-06-20/03-02-20	<u>Remove</u>	<u>Covered on master schedule</u>
Create FACT talking points	Mary Flott	02-03-20	<u>Open</u>	<u>Extract from JMD Lafayette Social article?</u>
Resilience movie presentation	Carol Carrillo	03-02-20	<u>Open</u>	
Create a list of all community issues observed during site visits	FACT Committee	03-02-20	<u>Open</u>	<u>Revisit purpose and need</u>
Annual report draft	Laura Malone	10-05-2020/11-03-2020	<u>Complete</u>	
Provide deliverables from Grantees regarding COVID changes	Laura Malone/Jan Nelson	10-05-2020/11-03-2020	<u>Open</u>	<u>Discuss, revisit need based on revised evaluation form</u>
Write up letter confirming extension of contracts into 3 <sup>rd</sup> year	Laura Malone	10-05-2020/11-03-2020	<u>Complete</u>	
Jewish family response letter	Mary Flott	10-05-2020	<u>Open</u>	<u>Revisit need Complete prior to December meeting</u>



EVERY CHILD DESERVES A CHANCE AT THEIR DREAMS.

**MASTER CALENDER, 11-2020 THROUGH 9-2022, DISCUSSION DRAFT**

<b>2020</b>	
November	Review Overall Master Calendar
December	Review FACT funding sources; Discuss Implications for Funding & RFP Process <i>Review &amp; Discuss approach for second year contractor (program grantees) site visits in anticipation of third year renewal process</i>
<b>2021</b>	
January	Implement site visit process (sign up's, team leads, scheduling, orientation) <i>FACT new member orientation session</i>
February	Implement site visit process (sign up's, team leads, scheduling, orientation) <i>Execute</i>
March	Site Visit report outs <i>Contracting</i>
April	Site Visit report outs <i>Contracting</i>
May	Site Visit retrospective discussion ; Review, revise tax insert flyer <i>FACT Membership Renewal Cycle (for terms ending September 2021); Applications for July-August vote through FHS</i>
June	Review & discuss approach to 2021-2022 needs assessment <i>Membership Renewal, Voting</i>
July	Implement needs assessment (publish schedule of hearings, interviews, other agreed to assessment activities) <i>Membership Renewal, Voting</i>
August	No meeting
September	Implement needs assessment <i>Chair &amp; Vice Chair nominations, vote, appointment , 2 year term begins</i> Tax Insert/Flyer to print
October	Complete needs assessment; identify funding priorities ; build RFP <i>Review &amp; Discuss approach for third year contract assessment process</i>
November	Complete RFP, receive approval, release
December	Bidders Conference; RFP proposals due <i>Implement third year contract assessment process; site visits</i>
<b>2022</b>	
January	FACT member final orientation on rating process; FACT members individual scoring of RFP's
February	Continue RFP Evaluation
March	Public meeting for review of FACT individual ratings; funding recommendations
April	Award, Appeals & Contracting Process <i>Complete third year contract assessment process</i>



# FACT

Family & Children's  
Trust Fund



EVERY CHILD DESERVES A CHANCE AT THEIR DREAMS.

May	Award, Appeals & Contracting Process : <i>Complete third year contract assessment process</i> FACT Membership Renewal Cycle (for terms ending September 2022); Applications for July- August vote through FHS
June	Award, Appeals & Contracting Process; approve tax insert
July	Retrospective review of RFP process; identify potential improvements
August	No meeting
September	Begin planning for 2022-2023 contractor site visits and evaluation