



MODOC COUNTY CHILDREN AND FAMILIES COMMISSION POLICIES

These policies are to be considered a legal attachment to every Service Agreement and Contract entered into with the Modoc County Children and Families Commission and will be distributed with any request for an application for funding and Service Agreements and Contracts.

- Section 1: Miscellaneous Grant Application Policies
- Section 2: Supplantation Policy
- Section 3: Tobacco Free Policy
- Section 4: Equity and Diversity Policy
- Section 5: Indirect Charge Policy

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Section 1: MISC. GRANT APPLICATION POLICIES

Purpose: The purpose of these policies is to assure compliance with Proposition 10, adopted by the voters in 1998. Health & Safety Code section 130100-130155 provides, in part, that the intent of this act is to emphasize local decision making, to provide for greater local flexibility in designing delivery systems, and to eliminate duplicate administrative system and in administering this act, the state and county commissions shall use outcome-based accountability to determine future expenditures.

FIRST 5 Modoc is committed to ensuring the optimal health, development, and well being of children 0-5 and their families, while at the same time promoting respect and knowledge in all areas of diversity.

Applicants must demonstrate familiarity with FIRST 5 Modoc's Strategic plan and show how their proposal relates to the priorities and focus areas of the plan. The focus areas are:

1. Improved Child Development
2. Improved Family Functioning
3. Improved Child Health
4. Improved Systems of Care

FIRST 5 Modoc is dedicated to improving the areas where children's lives and development are most affected. The Community Grants were designed to enable the vital public and community agencies serving our county's children and families to expand and/or enhance their services, and to improve their own internal capacity to provide more effective services which nurture the physical, social-emotional, and educational growth of children to the age of five. Applicants are further encouraged to build collaborations and relationships with other agencies in the community to promote service integration and to avoid duplication of services.

Central outcomes that Prop 10 seeks are that qualified applicants must be qualified agencies, public or private that are able to demonstrate expertise in improving family functioning to create strong families, improving child development to facilitate learning and readiness for school, and improving child health. Any qualified community based nonprofit or public agency or partnership of aforementioned entity may submit a proposal. As mandated by Prop 10, the tobacco tax initiative, funds must be used to expand (increase participation) or enhance (improve or enrich) services.

All organizations must be non-profit organizations with a 501c (3) status or have fiscal agent sponsorship from a 501(3) organization or be a public agency (county, city, school, district, etc.)

Applications must be submitted by an organization fiscally and programmatically accountable for project implementation. Funded projects must be able to adhere to all contract requirements, which include demonstration of appropriate insurance coverage and ability to report on and account for program progress, expenditures, and outcomes. Awarded grantees and those responsible for implementation of the grant will be required to attend a mandatory meeting that will cover reporting documentation and requirements.

Grants are awarded to fund community-based projects. A specific project may receive grant funding only once per fiscal year (however, an agency may apply for grant funding for different projects). Applicants must show their project meets a unique and distinct need in the community, addresses the Commission's goals, and reaches children, aged 0-5.

Past recipients of FIRST 5 Modoc funding must have demonstrated past fulfillment of FIRST 5 Modoc requirements.

Policies may be reviewed and changed year round to adapt to the year round Mini-Grant process. New policies will be added to this policy manual as they are approved by the local commission. There will also be an annual

review of policies before the annual RFP process, allowing the local commission to determine through their annual report where their investments have gone and what they have accomplished.

The contract terms will begin July 1 of a fiscal year. Contracts will be for one year unless the Commission designates otherwise. If the Commission awards a two or three year grant, each year's award after the first year is contingent on:

1. The availability of funds;
2. A finding by the commission that the grantee has successfully achieved the results outlined in the evaluation plan;

And

3. A finding by the Commission that the grantee has met all other contract requirements.
4. If after three years a grantee has successfully achieved the results outlined in the evaluation plan and all other contractual requirements have been met they may come back to the Commission through the regular competitive bid process for further consideration of funding.

Section2: SUPPLANTATION POLICY

Prohibiting the use of Commission funds to supplant State of Local Government funds.

Purpose: The purpose of the policy is to assure compliance with Proposition 10, adopted by the voters in 1998. 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.

Policy:

1. 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.
2. 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 the quality or quantity of an existing service, and not to supplant existing funding.
3. The prohibition on Supplantation was intended to prevent state and local governments from shifting fiscal responsibility for ongoing public programs to the state and local commissions. The prohibition on Supplantation does not make reference to privately funded or federally funded programs. Therefore, the prohibition applies only to programs and services currently or previously funded by state or local government general funds, and which are "existing" as defined below.
4. The prohibition on Supplantation 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 or services, as defined below.

Definitions:

Existing means, with respect to a level of service, a service that is in effect or operation at the time a request for funding is acted upon by the Commission, or at any time within the 12-month period preceding the Commission's action.

State general funds means, funds which are received into the treasury of the state and not required by law to be credited to any other fund.¹

Local government general funds means, funds which are received into the treasury of the local government and not specially appropriated to any other fund.²

Level of service includes both the quality and quantity of services.

Pilot with respect to programs or services means those that are implemented on a temporary and limited basis in order to test and evaluate the effectiveness of the program, develop new techniques, or gather information.

Supplant shall be given its ordinary meaning, that is, “to take the place of.”

Guidelines:

1. Every applicant must disclose in its application 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.

2. Whenever an application discloses that state or local government funding has been received for the proposed program or service within the last three years, the applicant must also demonstrate to the Commission’s satisfaction:

- a. that the program or service has not received state or local general funds within the 12 month period preceding the Commission’s action or
- b. that, if received, such funds have not been reduced during the 12 month period preceding the Commission’s action, or
- c. that the program or service was a pilot project, or
- d. that the Commission’s funds will be used to augment or improve the existing level of service, either in terms of quantity or quality.

3. The Commission may require the applicant to provide any additional information regarding sources and uses of funds at any time. Based upon all existing facts and circumstances, the Commission shall determine whether the proposal would violate this policy. The Commission’s determination will be made as of the time a grant agreement is entered into. 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.

Section 3: TOBACCO – FREE POLICY

POLICY:

Every contract awarded by the Commission shall incorporate by reference and require contractor to comply with the provisions of this section. In addition, all contractors must include or incorporate by reference in all subcontracts and require subcontractors to comply with the requirements of this Policy; failure to do so shall constitute a material breach of contract.

In the performance of a contract, the contractor or subcontractor shall agree as follows:

- 1. Smoke-Free Workplaces: The Contractor shall prohibit smoking in its offices, automobiles or at Contractor-sponsored events located in the County of Modoc.
- 2. Divestment: The Contractor shall divest from any investment in companies that, at the time the Contractor responds to a solicitation of bids from the Commission, derive more than 15 percent of their revenues from tobacco products.

3. Disclosure of Tobacco Industry Funding: The Contractor shall report annually to the Commission the receipt of any moneys from a person, persons, firm, partnership, corporation, or combination thereof that derives more than 15 percent of its revenue from the production or sales of tobacco products. The report shall include the name of the entity, the amount received, the percentage of the agency's total budget the amount represents, the purpose of the contribution, and any efforts made to obtain alternative funding.

Penalties:

Whenever the Director determines that a person or entity under contract with the Commission has violated any provision of the Tobacco-Free Policy described in section, the Director shall have the authority to impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this Policy which shall include, but are not limited to:

1. Suspension or termination of a contract;
2. Ordering the withholding of funds due the contractor under any contract with the Commission;
3. Disqualification of a bidder or contractor from eligibility for providing commodities or services to the Commission for a period not to exceed five years, with a right to review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to reoccur.
4. All contracts shall provide that in the event any contractor fails to comply in good faith with any of the provisions of this Article the contractor shall be liable for liquidated damages in an amount up to five percent of the contractor's net profit under the contract, or ten percent of the total amount of the contract dollars whichever is greater. All contracts shall also contain a provision whereby the contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the Commission upon demand and may be set off against any monies due to the contractor from any contract with the Commission.

Waivers & Exceptions:

1. *Sole source:* The Director may waive the requirements of this Policy whenever the Director finds that the needed goods or services are available only from a sole source and the prospective contractor is not otherwise currently disqualified from doing business with the County, or from doing business with any governmental agency based on any contract compliance requirements.
2. *No qualified bidders who comply and service/project is essential to County residents:* After taking all reasonable measures to find an entity that complies with the Policy, the Director may waive any or all of the requirements of this Policy for any contract or bid package advertised and made available to the public, or any competitive or sealed bids received by the Commission as of the date of the enactment of this Policy where the Director determines that there are no qualified responsive bidders or prospective contractors who could be certified by the Commission as being in compliance with the requirements of this Policy and that the contract is for goods, a service or a project that is essential to the Counties residents.
3. *Bulk purchasing arrangements through federal, state, regional or county entities:* The Director may waive the requirements of this Policy where the Director determines that transactions entered into pursuant to bulk purchasing arrangements through federal, State, regional or County entities that actually reduce the Commission's purchasing costs would be in the best interest of the Commission.
4. *Contract serves public benefit:* The Director may waive the requirements of this Policy where the Director determines that the benefit of the contract to the public and the Commission's ability to carry out its charge pursuant to state and local law outweigh the harm in the contractor's noncompliance with the Policy.

5. *Contractor is a public entity and sole source or necessary to serve public interests:* This Policy shall not apply where the prospective contractor is a public entity or City department and the Director finds that the proposed contract is necessary to serve a substantial public interest.

6. *Requirements violate public agency grant and good faith attempt has been made to change conditions of grant:* This Policy shall not apply where the Director finds that the requirements of this Policy would violate or be inconsistent with the terms or conditions of a grant, subvention or agreement with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or agreement, provided that the Director has made a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to authorize application of this Policy.

7. *Retirement and Pension Plans:* This Policy shall not apply to a contractor or subcontractor's investment of funds where the funds are held in trust for the benefit of employees or third parties.

8. *Federal or State law:* This Policy shall be construed and applied so as not to conflict with applicable federal or State laws, rules or regulations.

Definitions:

As used in this Policy the term:

“County” shall mean the County of Modoc.

“Commission” shall mean the Modoc Children and Families Commission.

“Contract” shall mean an agreement for grants to be provided, or for goods or services to be purchased out of the Modoc Children and Families Trust Fund under the control of the Commission and does not include property contracts, agreements entered into pursuant to settlement of legal proceedings, or contracts for a cumulative amount of \$5,000 or less per vendor in each fiscal year.

“Contractor” means any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract all or part of the funding of which comes from the Modoc Children and Families Trust Fund.

“Director” shall mean the Executive Director of the Modoc County Children and Families Commission.

“Subcontract” shall mean an agreement to provide goods and/or services, including construction, labor, materials or equipment, to a contractor, if such goods or services are procured or used in the fulfillment of the contractor's obligations arising from a contract subject to this Policy.

“Subcontractor” means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a subcontract with a contractor. Such term shall include any person or entity that enters into an agreement with any subcontractor for the performance of 10 percent or more of any subcontract.

Section 4: EQUITY and DIVERSITY POLICY

The Modoc 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 Modoc 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.

In accordance with Prop 10 State Commission, diversity has been defined to be inclusive of children prenatally to five years of age, regardless of immigration status, who:

1. Are from different ethnic, linguistic, cultural, socio-economic, religious, geographical and/or other historically or currently under-served communities; or
2. Have disabilities and other special needs.

It is in concert with the State Commission's overriding emphasis that Modoc County fulfill its mission to adopt policies and practices that equitably provide Modoc 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:

Modoc 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.

Inclusive Governance and Participation – We the Commissioners of Modoc 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.

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.

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.

Title VI of the Civil Rights Act of 1964: requires linguistic access via qualified interpreters and translated materials at no cost to the individual;

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;

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;

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

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.

Results-based Accountability – All Prop 10 programs funded through the Modoc 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.

Section 5: INDIRECT COST POLICY

Indirect costs on any grantee contracts may not exceed 15% of an awardee's total operating budget. No single dollar of an awardee's contract may be counted twice when calculating the total amount of indirect cost allowed, irrespective of subcontractor arrangements. Indirect costs are shared costs which benefit and/or support multiple services administered by the grantee, and cannot be readily identified with a specific project (e.g. legal, accounting, human resources, procurement, maintenance, technology, etc.).