

AGENDA

MEETING OF THE BOARD OF COMMISSIONERS

Chair: Sheila Kuehl

Thursday, September 9, 2021

1:30 PM [Click here for Public Zoom and Dial-in Info](#)

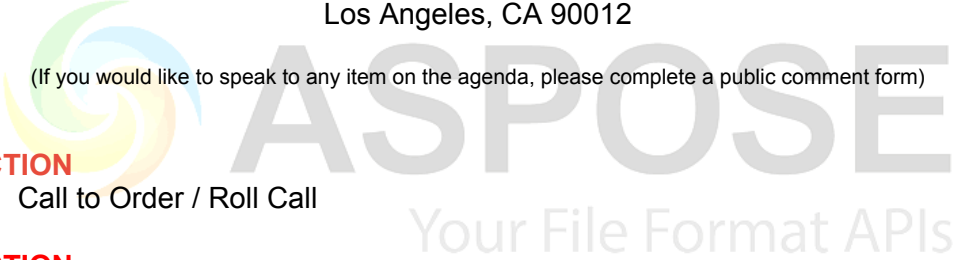
Meeting Location:

First 5 LA

750 N. Alameda Street

Los Angeles, CA 90012

(If you would like to speak to any item on the agenda, please complete a public comment form)

- 
1. **ACTION**
Call to Order / Roll Call
 2. **ACTION**
Consent
 - A. Approve Special Commission Meeting Summary Action Minutes and Transcript - 3
Thursday, July 8, 2021
 - B. Contract: Approve One Amendment and Authorize Staff to Complete Final Execution of
the Agreement Upon Approval from the Board
 3. **INFORMATION**
Remarks by the Commission Chair of the Board
 4. **INFORMATION** **83**
Executive Director's Report
 5. **ACTION** **109**
Public Hearing: Approve Procurement Policy

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COMMISSIONERS

Los Angeles County Supervisor	Jane Boeckmann	Yvette Martinez
Sheila Kuehl	Bobby Cagle	Romalis J. Taylor
<i>Chair</i>	Barbara Ferrer, Ph.D., M.P.H., M.Ed.	Keesha Woods
Judy Abdo		Marlene Zepeda, Ph.D.
<i>Vice Chair</i>		

EX OFFICIO MEMBERS

Karla Pleitez Howell
Jonathan E. Sherin, M.D., Ph.D.
Wendy Smith, Ph.D., LCSW
Deanne Tilton

EXECUTIVE DIRECTOR

Kim Belshé

EXECUTIVE VICE PRESIDENT

John A. Wagner

A PUBLIC ENTITY

Presenters: Jasmine Frost, Interim Chief Operating Officer/Director of IT and Jennifer Eckhart, Director, Contract Administration & Purchasing

- 6. **Break**
- 7. **ACTION** **142**
 Home Based Child-Care Strategy: Approve a Strategic Partnership with the Child Care Alliance of Los Angeles (CCALA) for an Amount not to Exceed \$5,000,000 over 5 Years and Authorize First 5 LA Staff to Execute an Agreement in the Amount of \$250,000 for a Period of 16 Months to Complete the Home Based Child Care Landscape Analysis

Presenters: Becca Patton, Director, Early Care & Education; Gina Rodríguez, Program Officer, Early Care & Education; and Kevin Dieterle, Senior Program Officer, Early Care & Education

- 8. **ACTION** **161**
 Adopt Resolution Designating Temporary Physical Location for Regular Meetings of the Board
- 9. **INFORMATION**
 Public Comment (for items not on the agenda)
- 10. **ACTION**
 Adjournment



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SUMMARY ACTION MINUTES

FIRST 5 LA

July 8, 2021

Meeting of the Board of Commissioners (VIRTUAL)

1:30-3:30 pm

COMMISSIONER PRESENT

Commissioners:

Judy Abdo (Vice Chair)
Linda Aragon (Alternate)
Astrid Heger
Sheila Kuehl (Chair)
Jonathan Sherin
Carol Sigala (Alternate)
Romalis Taylor

Ex-Officio Commissioners:

Jacquelyn McCroskey
Maricela Ramirez (Alternate)
Deanne Tilton

COMMISSIONERS ABSENT:

Bobby Cagle [Excused]
Barbara Ferrer [Excused]
Yvette Martinez [Excused]
Karla Pleitez Howell [Excused]
Keesha Woods [Excused]
Marlene Zepeda [Excused]

STAFF PRESENT:

Peter Barth, Chief of Staff
Kim Belshé, Executive Director
Linda Vo, Board Relations Manager
John Wagner, Executive Vice President, Center for
Child and Family Impact

LEGAL COUNSEL:

Craig Steele, Attorney-at-Law

CALL TO ORDER / ROLL CALL: (Item 1)

1. Commission Chair Kuehl called the meeting to order at 1:31 pm. Quorum was present.

COMMISSION: (Items 2– 10)

2. Consent
 - A. Approve Special Commission Meeting Summary Action Minutes and Transcript - Thursday, June 10, 2021
 - B. Approve the Monthly Financial Statements Months Ending May 31, 2021
 - C. Contracts: Approve One Agreement and Two Amendments and Authorize Staff to Complete Final Execution of the Agreements Upon Approval from the Board

M/S (Judy Abdo/Romalis Taylor)

Roll Call:

Judy Abdo – Aye
Linda Aragon – Aye
Astrid Heger – Aye
Sheila Kuehl – Aye
Frank Ramos – Aye
Jonathan Sherin – Aye
Carol Sigala – Aye
Romalis Taylor – Aye

THE ITEMS WERE APPROVED

**SUMMARY ACTION MINUTES
MEETING OF THE BOARD OF COMMISSIONERS (VIRTUAL)**

**July 8, 2021
1:30-3:30 pm
Page 1 of 4**

SUMMARY ACTION MINUTES

3. Remarks by the Commission Chair

4. Executive Director's Report

5. Award the Design-Build Contract for the Capital Improvement Plan (CIP) for Phase 1 to Dewberry Design-Builders, Inc in the Amount of \$3,050,631.80 and Find that Capital Improvement Plan (CIP) Project is Categorically Exempt from Review Under the Requirements of the California Environmental Quality Act ("CEQA")

Carl G. presented as action the following recommendations for First 5 LA's Capital Improvement Project:

- The Board award a contract to Dewberry Design-Builders, Inc. the selected Design Build contractor for the Capital Improvement Plan – Phase 1 work in the amount of \$3,050,631.80.
- The Board reaffirm that the CIP project is categorically exempt from review under the requirements of the California Environmental Quality Act ("CEQA") and will inform the California Resources Agency

This item was approved at this July Board of Commissioners meeting.

M/S (Romalis Taylor/Carol Sigala)

Roll Call:

Judy Abdo – Aye
Linda Aragon – Aye
Astrid Heger – Aye
Sheila Kuehl – Aye
Jonathan Sherin – Aye
Carol Sigala – Aye
Romalis Taylor – Aye

THE ITEMS WERE APPROVED

6. Break

7. Present Updated Procurement Policy

Jennifer E. presented proposed changes to First 5 LA's Procurement policies.

Guiding principles for policy changes:

- Aligns with mission, values & Strategic Plan
- Improves efficiency
- Clarifies accountabilities
- Aligns with public procurement values
- Promotes consistency
- Complies with legal requirements
- Supports the highest and most strategic use of the Board's time

Some key changes include:

- Increasing contract threshold to \$150,000 for Board approval (all contracts below \$150,000 would be approved by the ED)

SUMMARY ACTION MINUTES

- Increasing threshold for Strategic Partnerships to over \$150,000 for Board approval (all Strategic Partnerships below \$150,000 would be approved by the ED)
- Delegating approval of contracts above \$150K to the Executive Director under emergency circumstances and when the Board is not in session

Some Board Comments:

There was some concern over contracts not having a max dollar amount that the ED would have the authority to approve absent Board oversight when the Board is not in session. Some suggestions to provide more oversight to this process is having the Executive Committee be the oversight entity for these types of contracts when the Board is not in session.

Staff plan to come back to the September Board meeting when this item comes back as action, addressing some of the feedback received from Board members.

There was no further discussion on this item.

8. Update on Governor's Executive Order N-25-20 for Public Meetings

Legal counsel Craig Steele updated the Board of Commissioners on changes to the Governor's Executive order N-25-20 that was passed in March 2020. With the recent updates in June 2021, guidelines relaxing public meeting rules are expected to terminate at the end of September 2021. Given these changes, First 5 LA staff are planning to secure an external location for in-person Board and Committee meetings beginning October 2021, since First 5 LA's MPR is currently under construction. Once the external location has been identified, First 5 LA will come back to the Board in September for approval of this external location.

There was no further discussion

9. 2021 Board Survey Report Out

Linda V. and Jaimie K. reported out on results from a Board Survey conducted in April 2021. The survey included questions regarding Board Meetings (virtual and in-person), Board engagement opportunities, and accessibility to online Board resources (to include meeting materials). The objective of the survey is to ensure the timely flow of relevant information to Commissioners in a format that effectively supports Commissioners' governance responsibilities and leverages Commissioners' expertise – skills, knowledge, experience and capabilities – to further strengthen First 5 LA's governance structure and advance our strategic direction.

Key themes, takeaways, and next steps were presented.

Key Themes:

Virtual Meetings, Topics of Interest and Meeting, materials and communication.

Key Takeaways:

- We heard from Commissioners that they are comfortable accessing meetings via Zoom, but we did get some mixed reactions around the ability to engage with other Board Members and First 5 LA staff in this virtual setting.
- In general, Board Members agree the shortened meeting format is sufficient for completing the Board's work. Some ways we have shifted our Board and Committee

SUMMARY ACTION MINUTES

meetings to be more efficient during this virtual setting is that we have presented more Written Only Items, including removing the verbal presentation on our Consent Items. However, although Board members did feel that shorter meetings were sufficient to complete the Board's work, as we heard from Board members, there were limited opportunities for Board Engagement in this virtual setting.

- Topics of interest will contribute to how First 5 LA plans for future Board Meetings and will inform our strategy in developing future Board Agendas and Engagement opportunities.

There was no further discussion on this item.

10. Public Comment (for items not on the agenda)

There was one public comment read aloud and entered into public records.

ADJOURNMENT:

The Commission adjourned at 3:23 pm.

NEXT MEETING:

The next Commission meeting will take place on Thursday, September 9, 2021 at 1:30 pm.

VIRTUAL BOARD MEETING

Meeting details will be posted per Brown Act Requirements
Meeting minutes were recorded by Linda Vo, Board Relations Manager

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MEETING OF FIRST 5 BOARD OF COMMISSIONERS

Thursday, July 8, 2021

750 North Alameda Street, First Floor

Los Angeles, California 90012

STENOGRAPHICALLY REPORTED BY:
HEATHERLYNN GONZALEZ
CSR #13646

1 Thursday, July 8, 2021; Los Angeles, California

2 1:30 p.m.

3 -oOo-

4 SUPERVISOR KUEHL: The hour having arrived, I
5 believe we can start on time. And, therefore, I would
6 like to call the meeting to order.

7 And before we do the roll call, I'd like to
8 welcome, if I may, LACOE's new appointee. Although we
9 talked about you last month, Dr. Ramirez, we did not have
10 you present. But our -- I'm sorry. I didn't even ask.
11 Is Dr. Ramirez present at the moment?

12 COMMISSIONER RAMIREZ: Yes.

13 SUPERVISOR KUEHL: Well, let me say that we
14 welcome you in person this time. For the rest of you who
15 don't remember what we mentioned last month, Dr. Ramirez
16 is the Chief Education Officer for LACOE, oversees Head
17 Start early learning, and the juvenile court and community
18 schools, probably among many other things. And my notes
19 tell me that Dr. Ramirez's focus is on Access for All
20 students, spent many of her years in the classroom, and
21 also as a principal.

22 So welcome. Would you like to say anything to us
23 before we call the roll?

24 COMMISSIONER RAMIREZ. No. I just want to say
25 thank you for having me here and it's a pleasure to be

1 here with all of you, and I look forward to all the work.

2 SUPERVISOR KUEHL: Great. Well, welcome. It's a
3 good group. I think you'll enjoy us virtually and,
4 hopefully, even more in present company when we get to
5 that.

6 So if we may, Ms. Vo, please call the roll.

7 THE SECRETARY: Judy Abdo?

8 COMMISSIONER ABDO: Here.

9 THE SECRETARY: Linda Aragon?

10 COMMISSIONER ARAGON: Here.

11 THE SECRETARY: Bob Cagle?

12 Astrid Heger?

13 COMMISSIONER HEGER: Here.

14 THE SECRETARY: Yvette Martinez?

15 Jonathan Sherin?

16 COMMISSIONER SHERIN: Here.

17 THE SECRETARY: Carol Sigala?

18 COMMISSIONER SIGALA: Here.

19 THE SECRETARY: Romalis Taylor?

20 COMMISSIONER TAYLOR: Here.

21 THE SECRETARY: Karla Pleitez Howell?

22 Jacquelyn McCroskey?

23 Maricela Ramirez?

24 COMMISSIONER RAMIREZ: Here.

25 THE SECRETARY: Deanne Tilton?

1 COMMISSIONER TILTON: Here.

2 THE SECRETARY: And Sheila Kuehl?

3 SUPERVISOR KUEHL: Here.

4 THE SECRETARY: Quorum is present.

5 SUPERVISOR KUEHL: All right. Thank you. So if
6 you would, Ms. Vo, could you let everyone know the ground
7 rules for the meeting?

8 THE SECRETARY: Yes. Thank you so much.

9 Good afternoon, members of the public. I'm
10 Linda Vo. I'm with First 5 LA. And before we begin
11 today's meeting, I will be going over some important
12 information.

13 Pursuant to Governor Newsom's executive order
14 N-25-20, members of the First 5 LA Board of Commissioners
15 or staff may participate in this meeting via
16 teleconference. In the interest of maintaining
17 appropriate social distancing, members of the public may
18 observe this meeting telephonically or otherwise
19 electronically as posted on our website and this agenda.

20 To provide public comment, you may submit written
21 public comment by e-mail to lvo@first5la.org or call
22 213-276-9389, do indicate the item number your comment
23 corresponds with. All public comments corresponding to an
24 agenda item must be received before 1:30 p.m. the day of
25 the meeting. Any received after 1:30 p.m. will become a

1 part of public records and all public comments received
2 prior to 1:30 p.m. today will be read aloud at the end of
3 each item it coincides with.

4 Before we begin today's meeting, please do note
5 the following: Today's meeting will include video and
6 audio allowing all meeting participants and public members
7 to view presentations via shared screen. To minimize
8 background disruptions, all board members and staff should
9 place their lines on mute until called upon to speak. And
10 to minimize multiple people speaking at the same time and
11 to ensure for coherent dialogue, if board members would
12 like to speak to an item or have a question, please text
13 our board chair to express an interest in speaking. You
14 can also chat me or message me directly on Zoom, and I
15 will coordinate with Supervisor Kuehl to indicate an
16 interest in speaking.

17 Outside of adjournment, which will be called for
18 by the chair, a roll call will be done for all action
19 items.

20 And a reminder to all board members to take
21 yourselves off of mute before speaking. If technical
22 assistance is required during the meeting, do please
23 contact me at 203-276-9389, and I will connect you to IT.

24 With that, I will hand this back to our honorable
25 chair.

1 SUPERVISOR KUEHL: Thank you very much. I'll do
2 my very best to remain honorable throughout the meeting.

3 So the next item, that is the very first action
4 item, is our consent agenda. We do not have a
5 presentation of our consent items, but let me ask if any
6 commissioner wishes to remove any of the consent items
7 from the consent agenda.

8 Hearing none, do any commissioners have any
9 questions about any of the consent items?

10 Okay. Ms. Vo, are there any public comments on
11 the consent items?

12 THE SECRETARY: There are no public comments on
13 the consent item.

14 SUPERVISOR KUEHL: All right. May I have someone
15 make a motion and someone else make a second?

16 COMMISSIONER ABDO: I move approval of the
17 consent calendar.

18 COMMISSIONER TAYLOR: I second. This is Romalis.

19 SUPERVISOR KUEHL: Thank you. We have a motion
20 and a second to approve the items on the consent calendar.
21 Please call the roll.

22 THE SECRETARY: Judy Abdo?

23 COMMISSIONER ABDO: Yes.

24 THE SECRETARY: Linda Aragon?

25 COMMISSIONER ARAGON: Yes.

1 THE SECRETARY: Astrid Heger?

2 COMMISSIONER HEGER: Yes.

3 THE SECRETARY: Jonathan Sherin?

4 COMMISSIONER SHERIN: Yes.

5 THE SECRETARY: Carol Sigala?

6 COMMISSIONER SIGALA: Yes.

7 THE SECRETARY: Romalis Taylor?

8 COMMISSIONER TAYLOR: Yes.

9 THE SECRETARY: Sheila Kuehl?

10 SUPERVISOR KUEHL: Yes.

11 THE SECRETARY: Motion passed.

12 SUPERVISOR KUEHL: All right. The consent agenda
13 is duly adopted.

14 The next item is some brief remarks, really, from
15 the chair. You know, it's -- it's interesting. I find
16 that, as we're looking at making so many changes in the
17 way we work and the way we go about our lives, now that so
18 many restrictions have been lifted and we're going to be
19 talking as every other board in the county, state, and
20 country, I guess, is, about when we might be coming back
21 to meet in person, how we will do that, what work will
22 look like, et cetera. And so in a way, we're looking at
23 the past. It's important to reflect on it; what we've
24 been through together, what we survived together, what we
25 learned, and looking, you know, into the future as well.

1 As you know, after our esteemed and honorable
2 executive director imparts her usual wisdom, the board is
3 going to be asked to award a design build contract for the
4 capitol improvement plan. And, you know, you may not
5 remember -- many of you were on the board four years ago
6 -- but this board approved the funds for the project in
7 June of 2017. And a lot of people might say, boy, that's
8 moving pretty slowly. But I think that it meant we were
9 also quite deliberate and quite intentional. And, you
10 know, the pace of it actually paid off, because the staff
11 had an opportunity, during the rather unexpected
12 experience with the pandemic, to look at the plan again
13 and evaluate whether it made sense as it was originally
14 drafted.

15 So now, we're going to be phasing in the project.
16 Work spaces have been modified. I think everyone's
17 looking at, will there be a new sort of way of working in
18 terms of our physical environment, et cetera. But under
19 these plans, when our staff does return to work, it will
20 be in -- in an upgraded and hopefully quite welcoming
21 environment to coincide with what might be some feelings
22 of trepidation in some. But I think the more sensitivity
23 to the way people can work and will work and especially
24 work together in a more combined and hybrid environment
25 will be sort of interesting to adapt to, and also I think

1 take into account that, where people used to talk about
2 their work life and their real life, as though work wasn't
3 real, one of the things we found was, well, how many
4 people had dogs and how many people had cats and how many
5 people had kids running in the background and everything
6 that we experienced in the last year and a half that was
7 actually interestingly intimate about each other; where
8 people live, how they live, what they show us of where
9 they live. But, I'm looking forward to the way we work
10 through this in our physical environment.

11 And then at the end of the meeting today we're
12 going to hear a report out about the survey taken among
13 our board members about our board meetings, about our
14 engagement with each other and with the topics and
15 accessibility to, you know, resources; how we take in
16 information, how we share it, et cetera. And so that's
17 kind of a way of looking to the future as well. How we
18 might better engage with our colleagues, with our staff,
19 with the public, with our clients. And I think that
20 you'll hear some interesting statistics and feedback about
21 what needs to be reworked and what actually worked pretty
22 well.

23 So here we are, like Janus, after whom the month
24 January is named, a two-faced God who faced backward and
25 forward, we're kind of learning from the past and looking

1 toward the future trying to be flexible, trying to be
2 nimble, trying to be forward thinking. And I really have
3 a lot of confidence in our ability to continue to adapt
4 and work this through.

5 So I want -- at the appropriate time I will thank
6 all of those who have been engaged in each of these
7 moments and what we are going to be looking at going
8 forward.

9 And so that, I think is all I need to say today.
10 So let me turn it over to Kim for her executive director's
11 report.

12 MS. BELSHE: Thank you, madam chair. And I
13 wanted to actually touch on some similar themes. I think
14 there's a through line across many of the board
15 presentation and agenda items today related to our
16 physical space and the implications of our physical space
17 for certainly health and safety, but also in terms of how
18 we connect with and hear from the community, as well as
19 how we connect with and collaborate amongst ourselves as
20 team members and as members of the board. So we are, you
21 know, eager, as the supervisor said, to start with the
22 approval of the Dewberry contract. And Carl will be
23 getting into that in just a moment.

24 But this is a really important first step for us
25 in terms of what is a multiphased approach, but that first

1 step in terms of focusing on the facility, a significant
2 asset of First 5 LA's, and getting it upgraded and
3 attended to in a way that both reflect and respect it as
4 an asset and fundamentally supports the health and
5 well-being of our tame colleagues. So I'm super eager for
6 this project, as Carl knows, to get started. It is
7 important for the board, for the team, for the broader
8 community. We want it to be a safe environment, and it's
9 also an environment, not just from kind of a neutral
10 health and safety, it's an environment where connection
11 occurs, connection across the board, with the team, across
12 the team, as well as with the community.

13 So I was in the building actually picking up some
14 items yesterday -- or the other day. And, you know, it
15 was just very bittersweet to be there, thinking of all the
16 important connections and opportunities for personal and
17 professional work engagement that we've all been missing.

18 We as a board -- you as a board, we as the team
19 supporting the board, will have an opportunity to come
20 back to onsite board meetings likely as early as October.
21 And so Craig's going to provide an update on the
22 governor's executive order for public meetings, which has
23 provided us with the much-needed authority to convene
24 virtually.

25 So we have an expectation, as Craig will say,

1 about returning to onsite meetings in the fall. We will
2 absolutely ground the approach we take in what the law
3 requires. We will also definitely be looking at what is
4 the public health guidance coming from the State and
5 county officials. And we will also consider what are our
6 particular business needs. So we have certain
7 considerations and priorities that relate to the board, to
8 our staff team, to working with the community in terms of
9 their health and well-being in connectivity to our work.

10 I expect the approach we take in the fall -- and
11 there's some caveats there relative to what's the status
12 of the construction and where we may be, which Craig will
13 speak to. But I just want to underscore that the approach
14 we take in the fall I expect will be a first step in terms
15 of testing some different approaches to how we reconvene
16 on site. And it may well be kind of a hybrid approach in
17 the years building towards a further refined approach that
18 we would implement in 2022.

19 The board has given us a lot of feedback on
20 virtual meetings. And Linda and Jamie will talk about the
21 survey findings. We appreciate everyone who is -- the
22 board members of gave us the benefit of your feedback
23 across a whole array of topics, as the supervisor noted.
24 But as it relates to virtual meetings and the conduct of
25 business, we got some good feedback in terms of what's

1 been working well, where do we have some room to grow, and
2 also what you all have been missing. And I appreciate
3 commissioners giving voice to how much you miss being in
4 collaboration and partnership with one another in the
5 physical space. And so that -- that sense of board
6 community and camaraderie, hopefully, we will be
7 addressing before too long.

8 Finally as we -- well, not a topic today. I just
9 want to give commissioners a sense of where we are
10 relative to our preparation for returning to onsite work
11 from a staff team perspective. And as we prepare for that
12 return, it gives us an opportunity to kind of reset how we
13 think about our approach to work in the office and our
14 work out of the office. And I've shared with the First 5
15 LA team that we, as you know, will not be returning to the
16 office before the beginning of next year. I've also
17 shared that, when we do return, we will be adopting a kind
18 of hybrid approach where we're combining both in-home --
19 working from home as well as working in person, either in
20 the building or in the community.

21 Now, how we implement that hybrid approach is
22 definitely a work in progress. It's not a decision that
23 I'm going to make up on my own. I'm actively engaged in
24 conversations and work across the field and with others in
25 terms of how they're approaching it. We also view input

1 from our First 5 LA team as a critical input. So I wanted
2 commissioners to know that we are currently in the process
3 of conducting a staff survey and reflecting, as the
4 supervisor is saying, looking back, kind of how have we
5 done, what's worked well, what's worked less well. And
6 then, as we look together towards a hybrid approach, what
7 are some of the key considerations that we need to be
8 putting in the forefront as we develop the implementation
9 of a hybrid approach. I'm confident we're going to get a
10 lot of feedback. I'm expecting a very high participation
11 among our colleagues, at least I certainly hope. And
12 together we'll determine what works best for the
13 organization both in terms of what's fair for our
14 employees, as well as what's critical to be effective
15 operation, execution of our work on behalf of young kids
16 and their and families in LA County.

17 You know, I know I'm not alone in terms of how
18 the working from home is enabled me to adopt some new
19 routines and new ways of connecting and new approaches to
20 my work. So I recognize our transition back to onsite
21 work, to some degree, is going to require some new
22 routines and new connections and new approaches to work,
23 and it's something I'm really excited for us to lean into
24 and experiment and learn from that.

25 Maybe a final comment is, I know we're not along.

1 As the supervisor said, that these are hard issues that
2 every employer is wrestling with from a board perspective,
3 a team perspective, a community perspective. We have a
4 lot to learn over the course of the next six or so months.
5 And I think it's an additional advantage to not returning
6 to the office right away because I think we can benefit
7 from learning from others. But what I know will ground
8 First 5 LA and my approach for board, staff, and community
9 alike, is some fundamental goals in terms of supporting
10 health and safety, advancing our mission, strategic
11 priorities, and our culture, supporting inclusion and
12 diversity, which are very important values and themes that
13 need to be intentionally considered in the context of our
14 return to onsite work and remote work hybrid, providing
15 teams with flexibility that recognizes the whole employee,
16 the whole person, and, finally, that we really embrace a
17 learning mind set.

18 Where we start with the board in the fall in
19 terms of in-person meetings is not going to be where we
20 are next year. And when we return to operations with the
21 team in January, it will likely look quite different
22 three, six months down the road.

23 So appreciate the board's adaptability and
24 nimbleness and effort alongside the team. And I know the
25 board, like the team, is not losing site of what's before

1 us in terms of the important work for children and
2 families.

3 So with that, I will return it to you,
4 Supervisor, before we jump in.

5 SUPERVISOR KUEHL: Thanks very much, Kim. That
6 was great.

7 I -- it's interesting how we don't really like
8 everything to change. We like our routines and then we
9 didn't choose it and then we look at the new routine and
10 go, hmm, maybe there's something here to hold on to. So
11 thank you.

12 Linda, I forgot to ask if there were any public
13 comments on my remarks and I guess I would say on mine or
14 on Kim's.

15 THE SECRETARY: There are no public comments on
16 your remarks or Kim's remarks.

17 SUPERVISOR KUEHL: All right. Let's move to the
18 next item, which is an action item which relates to the
19 design build contract. And we're going to take two action
20 items in one. The question will be whether we approve the
21 design build contract, which you will see. And the second
22 is to declare the capital improvement plan project
23 categorically exempt under CEQA, which we did before and
24 want to ratify today. But it will be all in one motion.

25 Let's go to the presentation about the design

1 build contract proposal. And I think, Carl, you're going
2 to take the led on this.

3 MR. GAYDEN: Yes, I am. Thank you, commissioner.

4 SUPERVISOR KUEHL: All right. Take it away.

5 MR. GAYDEN: Just get this set up real quick.

6 All right. Can everyone see that?

7 Well, good afternoon. I'm really excited to
8 return today to the board to request approval to award the
9 design build contract for capitol improvement plan, CIP
10 phase one, to Dewberry Design Builders Incorporated. In
11 addition, we're going to be asking the board to fulfill
12 our governance process to reaffirm the approval of the
13 California Environmental Quality Act or CEQA exception.

14 I'm going to keep this presentation extremely
15 brief as a lot of the information was already addressed at
16 our previous June board meeting. I'm going to start here
17 with the time line slide. As you can see, we put a lot of
18 work during the preconstruction phase, including a lot of
19 heavy lifting during the selection of the design builder.
20 The last step in the preconstruction phase is for the
21 board to approve the design builder.

22 After we get the -- or receive the board
23 approval, we're going to begin the construction phase.
24 Just as a note, during the RFP procurement process, we did
25 not receive any appeals from any of the bidders which has

1 allowed us to stay on track with our current time line to
2 bring this item to you today. And this time line is just
3 a reminder of where we've been, where we are, and where
4 we're headed next.

5 As you recall from my information presented last
6 month during the board meeting, phase one of the capitol
7 improvement project will address building foundational
8 needs and preparing the building for staff reentry when
9 it's safe to return to the office, as well as addressing
10 the foundation.

11 So some examples of -- include automating
12 frequently touched surfaces such as door and restroom
13 fixtures, and addressing our HVAC system, our roof, adding
14 solar, adding our AV capabilities for the multipurpose
15 room or MPR when we're ready to return to board meetings.

16 As mentioned last month during our board meeting,
17 staff conducted a two-step procurement process to procure
18 the design builder which included a request for
19 qualifications, or RFQ process, and a request for
20 proposal, RFP, process. There were five firms that
21 participated in the RFP process, and staff went through a
22 very competitive and successful procurement process to
23 make our recommendation. All in all, every firm submitted
24 a bid that was close, but one bid and proposal stood out
25 over the others, and that was Dewberry who scored highest

1 on the elements that they submitted. That included their
2 technical proposal and their budget or their bid for --
3 that was the most preferred.

4 With that, First 5 LA is recommending that the
5 design build contract for the CIP project phase one be
6 awarded to Dewberry Design Builders Incorporated in the
7 amount of \$3,050,631.80, which you'll be voting on in just
8 a second.

9 After recommendation, we'll issue the notice to
10 proceed with Dewberry as the design builder contract to
11 start that construction phase.

12 Lastly, for Item Number 2 of the board approval,
13 the board previously found back in 2019 the CIP and the
14 capital improvement plan is categorically exempt from
15 review under the requirements of the California
16 Environmental Quality Act, or CEQA. Based on consultation
17 with our legal counsel, we're reaffirming that this
18 project continues to fall squarely within the existing
19 facilities exception under CEQA guideline Section 15301
20 and is thus exempt for further CEQA review.

21 This project does not involve the expansion of
22 the existing building or any new construction of exterior
23 space. And given the passage of time, however, it's
24 considered best practice for us to refresh the CEQA
25 exemption and file a new notice of exception following

1 board approval.

2 So next steps after the board approval, we will
3 file the appropriate notice of CEQA exemption and the CIP
4 project team will prepare for construction by issuing the
5 notice to proceed to Dewberry. The goal still remains to
6 complete the work by allowing staff to reenter the
7 building early next year. And our consultants remain very
8 optimistic that they'll be able to make and meet these
9 milestones and meet our time line for phase one of the CIP
10 project.

11 Staff does acknowledge the reality of how
12 construction projects progress and the potential delays in
13 timing, especially in Covid -- our current Covid-19
14 environment, which could potentially add time to our
15 projected schedule in obtaining the necessary permits for
16 construction as well as any potential raw material order
17 delays just due to our current environment. We are going
18 to continue to work with our contractor Dewberry and our
19 subject matter experts to address any potential risks
20 and/or delays in the project timeline. We'll continue to
21 keep the senior leadership in our board well informed as
22 needed.

23 All in all, this has truly been a team effort.
24 And I want to thank everyone, including the board and the
25 executive committee, Kim and John, our entire leadership

1 team, and our general counsel, especially the late Michael
2 Estrada who worked on this project over the last few years
3 to get this project to a point and soon to begin
4 construction. I also want to make a special shout out to
5 our small but mighty workplace management team, including
6 Tamesha and Cat (phonetic), and our facilities partners
7 with Loralin (phonetic), our CIP work team, including all
8 of our consultants that have exceeded our expectation, our
9 CAT team, especially Terry, Jennifer, Frank; our IT team
10 including, Jasmine, Amado, Rhoni; our finance team,
11 including Raoul, Tina, Daisy Lopez, and George, and all
12 the support we received along the way. We could not have
13 done this without all of the support we received and thank
14 you. Thanks to everyone for your support.

15 With that, that's my presentation. Does the
16 board have any questions before asking for approval?

17 MR. STEELE: I think the chair may have been
18 disconnected.

19 MS. BELSHE: Yeah. I'm not seeing the
20 supervisor. So, Judy, would you mind stepping in as vice
21 chair?

22 COMMISSIONER ABDO: I can do that.

23 MS. BELSHE: Thank you.

24 COMMISSIONER ABDO: All right. Are there any
25 questions or comments of any kind about this plan?

1 SUPERVISOR KUEHL: Thank you. I think I've been
2 let back into the meeting.

3 COMMISSIONER ABDO: Yay.

4 SUPERVISOR KUEHL: Thank you, Judy, very much. I
5 could hear. Everything just went completely dead so I
6 dialed back in again.

7 Did anyone ask, Linda, in the chat if they could
8 speak? I didn't get any texts.

9 THE SECRETARY: There were no public -- sorry.
10 There were no board comments in the chat.

11 SUPERVISOR KUEHL: All right. Anyone having a
12 second, third, or fourth thought and wants to just jump in
13 with a question?

14 THE SECRETARY: I do show Commissioner Taylor
15 just raised his hand.

16 COMMISSIONER TAYLOR: Yeah. My question is when
17 are we going to start building this thing because I'm
18 ready. What's the start date?

19 SUPERVISOR KUEHL: Sure. You don't have to do
20 the work.

21 MR. GAYDEN: We're hoping to be able to give the
22 notice to proceed in the next -- after approval, of
23 course, in the next week, week and a half. We have a goal
24 of before August 2nd. There's still permitting. There's
25 still some design work that needs to be completed, but the

1 goal is to be able to physically start on the project on
2 8/2 and be able to really start that heavy construction
3 phase a little bit as a ramp up probably, you know, June
4 -- sorry -- September, October, November. But heavy in
5 November and December. So, you know, that's when it's
6 going to ramp up, but we're moving as quickly as we can
7 with all the design, all the sign offs that we're going to
8 need from the city and all the prework that construction
9 will we need to do. But we're going to move as quickly as
10 we can.

11 COMMISSIONER TAYLOR: I personally want to thank
12 you and the team and everyone for your hard work on this
13 project. And I appreciate everything you've done.

14 So whenever it's time and ready for a motion, if
15 there's no more questions, I'm ready to make a motion.

16 SUPERVISOR KUEHL: All right. Anyone else want
17 to jump in with a question?

18 Hearing none. The motion, Romalis, and I will
19 take it as made by you, is a two-part motion. One is for
20 the board to award the design build contract for the
21 capitol improvement plan for -- sorry?

22 COMMISSIONER TAYLOR: I think Astrid had a
23 statement. What was it, Astrid? We missed it.

24 MS. BELSHE: No. I think she failed to mute her
25 phone, which she has since done. So I think we're good,

1 commissioner.

2 SUPERVISOR KUEHL: Let me start over. The motion
3 is for the board to award the design build contract for
4 the capitol improvement plan for phase one to Dewberry
5 Design Builders Incorporated; and also as a second part of
6 the motion, find that the capitol improvement plan project
7 is categorically exempt from review under the requirements
8 of the California Environmental Quality Act. And that
9 would be a single motion and that's made by Romalis.

10 Is there a second?

11 COMMISSIONER SIGALA: I second.

12 SUPERVISOR KUEHL: All right. Thank you. The
13 motion has been move and had seconded. Please call the
14 roll.

15 THE SECRETARY: Judy Abdo?

16 COMMISSIONER ABDO: Yes.

17 THE SECRETARY: Linda Aragon?

18 COMMISSIONER ARAGON: Yes.

19 THE SECRETARY: Astrid Heger?

20 COMMISSIONER HEGER: Yes.

21 THE SECRETARY: Jonathan Sherin?

22 COMMISSIONER SHERIN: Yes.

23 THE SECRETARY: Carol Sigala?

24 COMMISSIONER SIGALA: Yes.

25 THE SECRETARY: Romalis Taylor?

1 COMMISSIONER TAYLOR: Yes.

2 THE SECRETARY: Sheila Kuehl?

3 SUPERVISOR KUEHL: Yes.

4 THE SECRETARY: Motion is passed.

5 SUPERVISOR KUEHL: All right. Thank you so much.

6 We're a little early on the schedule for our
7 break, but since the next piece on the procurement policy
8 may take a little time with questions and answers and
9 inquiries, how about we take a ten-minute break now and
10 come back at 2:12. So everybody can refresh their iced
11 tea or whatever. And, frankly, what I miss most of the
12 meetings, no offense to the people, was the cookies.
13 We'll come back again at 2:12.

14 (A brief break.)

15 SUPERVISOR KUEHL: Okay. We'll call the meeting
16 back to order and hope everyone will come back to their
17 meeting rooms and be prepared for the next item, which is
18 our procurement policy. Since I can't see how many are
19 present, if anyone would let me know, that would be great.

20 COMMISSIONER ABDO: Looks like people are back.

21 SUPERVISOR KUEHL: Okay. Thanks, Judy.

22 So let us call ourselves back into order and move
23 to the presentation on the updated procurement policy.

24 So I think, Jasmine, you're going to kick it off.

25 MS. FROST: Yes. Thank you.

1 SUPERVISOR KUEHL: Please do that. Go ahead.

2 MS. FROST: Good afternoon, commissioners. My
3 name is Jasmine Frost, and I'm the interim chief operating
4 officer. We're here to present to you the procurement
5 reform project. And I have Jennifer Eckhart with me to
6 present and walk you through this policy.

7 This policy is being revised in order to address
8 some of the challenges that were prevalent in the prior
9 versions and to bring a more streamlined and more
10 consistent decision making process to our work. These
11 changes will now allow this policy to be aligned with
12 First 5 LA's values and system change work. Jennifer will
13 present to you the differences between procurement and
14 contracts as well as the various methods of procurement
15 and other highlights.

16 The feedback we gather today will be incorporated
17 and brought to you in the fall with our best thinking.
18 This is a collective effort with contributions from our
19 team leadership, legal, and our consultant partners. With
20 that being said, I'll now turn it over to Jennifer.

21 Jennifer, take it way.

22 MS. ECKHART: Thank you. Thanks, Jasmine. Good
23 afternoon, commissioners.

24 As Jasmine noted, I'm here to provide an overview
25 of the procurement reform project and highlight some key

1 policy changes for your consideration. The presentation
2 may get a little dense, but I will do my best to bring you
3 along.

4 Today's presentation is provided as information
5 only. The board's guidance today will inform any further
6 changes to the procurement policy before returning for
7 action in September.

8 We want to take a moment to thank the executive
9 committee for their guidance and feedback in May. I would
10 also like to thank and introduce our partners in the
11 project Calyptus Consulting Group. Calyptus brings 28
12 years of experience providing consultation in procurement
13 and contracting for public and private sector agencies
14 nationwide. Dr. George Harris, president of Calyptus, and
15 its team are here with us and available to answer any
16 questions at the end of this presentation.

17 And, finally, I need to thank the project manager
18 Tamesha, contracts department, our leadership and staff,
19 as well as our legal counsel for their contributions and
20 support.

21 So in today's presentation, I'll provide an
22 overview of the project, highlight some key policy
23 recommendations on contracting thresholds, procurement
24 exceptions, other procurement methods, diversity, equity,
25 and inclusion in procurement, all of which I will go into

1 further, and then wrap up with the next steps.

2 So let's begin with an overview of the project.
3 Procurement is a process of acquiring goods and services
4 for the organization. The bulk of our spend is covered
5 under this policy and can, therefore, have a significant
6 impact to our operations. This excludes, however, spend
7 related to employees, utilities, leasing of property and
8 other purchases that are not possible to compete. The
9 procurement policy is meant to ensure accountability for
10 the use of public funds by dictating how contractors are
11 selected and who is authorized to sign those contracts.
12 First 5 LA is legally required to dot the procurement and
13 contracting policy in a public hearing. The policy was
14 last update and approved in February of 2014. And our
15 consultants have shared that it's best practice to update
16 our policy regularly.

17 We have had a lot of learnings from
18 implementation in the past seven years. And the objective
19 of the project was to use our learnings to better align
20 our policies and processes with our current strategic
21 direction and systems change work to enable more effective
22 and efficient implementation of the strategic plan. And
23 this work is part of optimizing the organization's
24 effectiveness, which is one of the four strategic
25 priorities called in out in our strategic plan.

1 So it's not often that we update this policy.
2 And the recommendations may get a little technical.
3 Sorry. Here. Sorry about that. So I want to spend a few
4 minutes going over some concepts.

5 Procurement activities precede contracting. And
6 as I mentioned, procurement is the process used to acquire
7 goods and services. Under procurement, I've listed three
8 general methods to satisfy this requirement. Traditional
9 procurements represent processes used to select the bidder
10 or proposer by conducting bids or conducting an open
11 solicitation, often referred to as an RFP or an RFQ.
12 Exceptions on that for organizations to circumvent
13 traditional procurement activities and work directly with
14 the provider. This is only permissible under the
15 circumstances allowed by the policy, and a written
16 justification is required to utilize this method.
17 Examples of these exceptions include emergencies and
18 strategic partnerships.

19 There are also other methods that I will cover
20 later in the presentation, like piggy backing, where we
21 utilize contracts that were competitively awarded by other
22 public agencies so the procurement requirement is met by
23 other agencies. Procurement must be satisfied before
24 moving on to contracting by using one of these three
25 procurement methods.

1 Once procurement is completed, contracts are
2 presented to the board or the executive director for
3 approval based on thresholds established in the policy.

4 And, finally, the bidirectional arrow at the
5 bottom represents the DEI strategies and processes that
6 will be embedded in these phases.

7 Today, I'll highlight some recommendations under
8 procurement and contracting and share our DEI goals as it
9 relates to procurement.

10 Since this policy was last revised in 2014, the
11 organization has evolved and the external environment has
12 changed. The policy does not reflect First 5 LA's current
13 priorities in systems change work. It doesn't adequately
14 incorporate our organization's values like DEI, and
15 doesn't address emerging practices like rebranching of
16 alternative revenue, which is has steadily increased over
17 the years.

18 Procurement strategies, methods, and thresholds
19 have not been updated to reflect best practices.
20 Operational issues also need to be addressed, like
21 contracting delays during months where board meetings that
22 are not scheduled.

23 There are also opportunities to streamline
24 processes. This is the next phase of our work where we
25 will be addressing issues around nonvalue added time

1 intensive steps to our internal processes.

2 And, finally, through this pandemic we have
3 learned what's needed to respond quickly, support the
4 health and safety of staff, as well as our grantees and
5 contractors. These challenges have surfaced throughout
6 the years which compelled us to revisit and reform our
7 existing policy and associated processes.

8 These guiding principles were developed to help
9 steer us throughout the project and considered in the
10 development of the recommendations. As mentioned, we are
11 seeking greater alignment to our mission, values, and
12 strategic plan. We also explored ways to improve our
13 efficiency and clarify accountabilities. We sought to
14 align this work to public procurement values, values like
15 accountability, transparency, and impartiality in order to
16 maintain the public's trust.

17 Another guiding principle expressed in the
18 opportunities to promote consistency in our processes
19 where possible and applicable. We want to ensure that
20 policy and process changes remain compliant with any legal
21 requirement. And, finally, since the policy includes
22 board approvals, we wanted to ensure that we considered
23 the highest and best use of the board's time.

24 We started off the project by conducting an
25 in-depth spend analysis. This was an analysis of how we

1 spend our dollars by various thresholds in order to
2 determine, for example, the percentage of contracts and
3 dollars that go to the board for approval. We also
4 completed staff interviews and focus groups on chief
5 policy elements and procedures. This helped us understand
6 staff's business needs and learnings from implementation
7 from the current policy.

8 Next, we compiled benchmarking data on peer
9 organizations. We looked at how we compare to others with
10 regards to thresholds, types of exceptions, and other
11 requirements. We benchmarked organizations like
12 foundations, public agencies, and other First 5
13 commissions. And, finally, we researched best practices
14 primarily from two national public procurement
15 associations: The National Institute of Government
16 Purchasing, later referred to as NIGP; and the National
17 Association of State Procurement Officials, referred to as
18 NASPO. And we also referenced our own financial
19 management guide provided by the First 5 Association.

20 These four components to your left and the
21 guiding principles I just covered previously informed the
22 policy recommendations.

23 Today I'm providing our initial thinking on the
24 draft policy for your consideration and feedback. Once
25 the board approves the policy in the fall, staff will

1 revise our existing processes to support the
2 implementation of a policy. The policy and processes
3 combined will need to strike a balance to address our
4 desire for greater efficiency while retaining some
5 internal controls to promote accountability and fair and
6 transparent funding practices.

7 In your materials, I've included attachment A,
8 which is the draft procurement policy for your
9 consideration. It starts on Page 98 in your board
10 materials. I also include attachment D, which is a
11 summary of the policy recommendations. And this can be
12 found on Page 198.

13 I'll highlight some key recommendations today,
14 but I encourage you to refer to the materials provided for
15 more understanding of the revised policy. This
16 presentation specifically focuses on changes impacting the
17 board as well as some other new and substantive changes.
18 Your feedback today will help me understand the level of
19 oversight desired by the board before the policy returns
20 for approval in September.

21 Okay. So let's start with one that the board
22 maybe is familiar with, which is our contracting
23 thresholds. Contracting thresholds, which are standard in
24 procurement policies, determine who is authorized to
25 approve contracts resulting from procurements conducted by

1 staff. We are recommending an increase to the contracting
2 threshold for board approval.

3 As a reminder, our current policy allows the
4 executive director to approve contracts less than 75,000,
5 and amendments up to 75,000 or ten percent, whichever is
6 greater. Contracts of 75,000 or more are presented to the
7 board monthly, as you saw earlier in the presentation or
8 the board meeting. And these are presented to the board
9 as one of many consent items for approval. Currently,
10 staff also provides to the board as information contracts
11 executed by the executive director between 25,000 and
12 75,000.

13 Based on this current policy and practice, our
14 spend analysis revealed that the board approves 98 percent
15 of our spend. In interviews and staff focus groups, we
16 heard that current thresholds do not consider the internal
17 level of effort for small dollar contracts. That often
18 undertake a lengthy solicitation process before contracts
19 are approved by the board and staff have also encountered
20 some challenges when there's a need to contract during
21 months where the board is not in session.

22 When we reviewed our benchmarking data, we also
23 learned that First 5 LA thresholds are at or below our
24 peers. In review of the best practices, we saw
25 opportunities to update thresholds based on the ranges

1 published by NIGP. We also heard from branches and
2 contractors that there are opportunities to approve the
3 time lapse from proposal submission to contract date.

4 These learnings, along with the principles to
5 improve efficiency and supporting the best use of the
6 board's time, led to our recommendations. We're -- sorry
7 about that. We're recommending -- let me get to it. My
8 apologies here. There we go.

9 We're recommending an increase to the executive
10 director threshold for contracts and amendments to
11 \$150,000. In addition, we are recommending that the board
12 delegate contract authority to the executive director
13 above this threshold when the board is not in session,
14 which is, typically, three months of the year. And the ED
15 would exercise this authority when it's essential to
16 support First 5 LA's operations and programs.

17 Contracts executed when the board is not in
18 session will be provided as information to the board at
19 the next board meeting. Any contract above 150,000 will
20 be presented to the board for approval. And, finally,
21 contracts between 10,000 and 150,000 will be reported to
22 the board as information. This broader range of contracts
23 reported will also continue to provide transparency with
24 the board and public.

25 This next slide illustrates the projected impact

1 to increasing in the thresholds using our spend analysis
2 based on fiscal year 19-20 contracts. The top chart
3 illustrates the change to board and ED approval of
4 contracts based on the number of agreements. On the left
5 side, the board chart -- the chart indicates that the
6 board approval of agreements would decrease by roughly 36
7 agreements a year and, conversely, on the right this would
8 increase ED approval by the same. The pie charts at the
9 bottom illustrate the impact based on spend. Pie chart on
10 the left shows that currently the board approves 98
11 percent of spend. And with the recommended increase to
12 150,000, the pie chart on the right shows that the board
13 would approve 95 percent spend, decreasing the board's
14 approval on spend by three percent.

15 So to summarize, the increase threshold will
16 significantly reduce the number of contracts going to the
17 board, thereby increasing contracting efficiency, but
18 minimally reduce the board's fiduciary oversight on spend.
19 And, again, these recommendations are responsive to staff
20 feedback, aligned to best practices and benchmarking,
21 expedites contracting for lower dollar contracts, and
22 considers the highest and most strategic use of the
23 board's time.

24 So we're now going to pivot to procurement
25 exceptions. As I mentioned, procurements are conducted by

1 staff prior to contracting. And under certain
2 circumstances, we acknowledge that going out to bid is not
3 in the best interest of First 5 LA. Exceptions in the
4 policy allow for direct contracting without a bidding or
5 solicitation process. The current policy allows for four
6 different types of exceptions. Today I'll highlight two
7 that are most impacted: Strategic partnerships and
8 emergencies.

9 Our current exception types are generally aligned
10 to other public entities and best practice. However,
11 staff reported inconsistent approvals required for
12 exceptions and shared that resolving issues around
13 definitions of these exception types will alleviate
14 challenges related to approvals bearing interpretations
15 and ultimately the length of time required to justify
16 exceptions.

17 And more recently we learned that, unlike other
18 public entities, our ability to respond during emergencies
19 were limited. Based on our learning and research, we
20 realized that drastic changes were not needed. Rather, we
21 focused on changes to required approvals and refining our
22 current exceptions.

23 So please note that the slide was recently
24 updated with our latest thinking. We are recommending
25 that we increase the threshold for board approval of

1 strategic partnerships from 75,000 to 150,000. Currently,
2 strategic partnerships of 75,000 or more require board
3 approval. This is the only exception type that is
4 required by the board -- that is -- that is approved by
5 the board. And if you recall the slide on procurement in
6 contracting, approval of the strategic partnership
7 satisfies the procurement requirement.

8 Given that 50 percent of our spend is through
9 strategic partnerships, we are recommending that the board
10 continue to approve these, but with the higher threshold
11 of 150,000. Increasing this threshold would align to our
12 contracting threshold and increase our efficiency with
13 smaller partnerships while also providing this
14 accountability and transparency with the board on this
15 exemption type.

16 We are also recommending some revisions to how we
17 define strategic partnerships. A trend analysis revealed
18 a steady increase in the number of strategic partnerships
19 in the past five years, primarily due to our public
20 partnership at the earliest stage possible driven by our
21 systems change approach. Strategic partnerships are
22 critical to our success and important to continue, but as
23 written in our current policy has been difficult to
24 implement. The policy required that at least one of four
25 criteria being met, but the criteria was very broad

1 resulting in uneven application. We're recommending
2 removal of the criteria in the current policy and aligning
3 our definition to how we view critical partnerships today.

4 Those are defined as partners that have an
5 existing infrastructure or substantial investment in a
6 program or project that either cannot be duplicated or
7 duplicated at the expense of First 5 LA and has a
8 demonstrated resources, ability, program reach, or level
9 of expertise to support the commission's systems change
10 work. We're also including entities that administer
11 jointly funded programs or entities with key relationships
12 needed by the commission when these are critical to
13 advancing the strategic plan.

14 This latter part on key relationships was added
15 because there was concern that limiting this to entities
16 with existing infrastructure doesn't apply the DEI lens
17 and may exclude more historically underfunded
18 organizations.

19 The recommendation on emergencies was timely
20 because we were able to apply our learnings from the
21 pandemic. Emergencies are in common exceptions and
22 supported by our benchmarking research and best practices.
23 We know that most public agencies have less restrictions
24 when it comes to procurements and contracting in times of
25 emergency. During the pandemic, we sought additional

1 emergency authorities from the board because we faced
2 numerous request for contract changes and extensions. We
3 proceeded with these contract changes utilizing emergency
4 authority which was later provided to the board for
5 ratification.

6 Based on these learnings, we recommend that the
7 executive director have authority to enter into contracts
8 above her threshold in an emergency and have authority to
9 amend or extent agreements to support contractors and
10 grantees during a declared emergency. Circumstances in
11 which this exception can be invoked are directly tied to
12 the health, safety, and welfare of personnel, or the
13 protection of property, systems and assets. These
14 contract actions, which are expected to be infrequent once
15 the pandemic is over, will be provided to the board as
16 information at the next board meeting. This will allow
17 First 5 LA to respond swiftly in times of an emergency
18 while maintaining transparency with the board.

19 All right. So we covered a couple of procurement
20 exceptions, but I wanted to touch upon other procurement
21 methods. In the procurement industry, these other methods
22 include cooperative agreements and piggy backs. We are
23 recommending that these are added to the policy as a
24 method of procurement. These methods allow us to take
25 advantage of procurements that were already conducted by

1 other public agencies which significantly reduces the
2 level of effort for staff and the time it takes to
3 contract with the provider. Quite frankly, this is what I
4 call a game changer for First 5 LA specifically benefiting
5 teams like on team, facilities, HR and others.

6 Currently, the board has authorized piggy backing
7 for the capitol improvement project, but opening this up
8 to the organization will allow us to take advantage of
9 lower costs due to common use of scale and the sharing of
10 administrative costs. This is just to demonstrate how
11 we're incorporating well-established best practices into
12 our policy.

13 Last but not least, I wanted to focus on how we
14 have more intentionally applied our value DEI in our
15 policy. The revised policy includes DEI goals to
16 establish fair and accessible procurement practices,
17 address barriers to participation, and collect and monitor
18 utilization to track our progress. Diversity programs are
19 considered best practice shared by NIGP and NASPO, and
20 common among many other larger public agencies.

21 The intent is to make these funding opportunities
22 accessible to all business types, including diverse
23 suppliers like minority, women, disabled veterans, social
24 enterprise, disadvantage business, and LGBTQ-owned
25 enterprises. These specific entities which are called out

1 in our policy also tied to LA County's diversity program.
2 This policy and forthcoming processes to support this will
3 hopefully result in the increased participation and
4 funding of diverse organizations. We intend to work with
5 SEED, Calyptus, and the Office of Equity Strategy and
6 Learning to build out our processes, and will return to
7 the board with updates as needed.

8 We hope that with these proposed policy changes
9 and forthcoming process refinements we'll see an increase
10 in our efficiency conducting procurements, but this will
11 speed up contracting approvals, reduce the board's time on
12 small dollar contracts, improve the grantee contractor
13 experience with our procurement processes, and yield more
14 diverse businesses participating in our processes and
15 funded by First 5 LA.

16 On this last point, I wanted to share a concrete
17 example of how these recommendations are tied to impact.
18 As I've shared, one of our DEI goals is to establish fair
19 and accessible procurement practices. To make funding
20 opportunities more accessible, we might explore unbundling
21 of large, full-service contracts so that smaller agencies
22 can compete. We utilized this strategy last year under
23 the communications team which resulted in a awards to
24 certified social enterprises. It's one of many ways --
25 it's one of the many ways in which we can promote the use

1 of diverse businesses. Deployment of various strategies
2 should increase our utilization of diverse businesses over
3 time.

4 All right. So in the next steps, we will present
5 the policy for action after incorporating the board's
6 feedback today. We're planning for this to return to the
7 board in September. Once the board approves the policy,
8 staff will undertake process refinements and then we will
9 proceed with staff training and implementation.

10 That concludes presentation. I have noted some
11 questions on this slide to gather directional feedback
12 from the board. Please consider if the board is amenable
13 to increasing the contract threshold to 150,000.
14 Currently, this is at 75,000. Is the board amenable to
15 approving strategic partnerships over 150,000. Currently,
16 this is also at 75,000. Is the board comfortable with
17 delegating approval of contracts above 150,000 to the
18 executive director under emergency circumstances and when
19 the board is not in session. These would be reported to
20 the board as information at the next board meeting. And
21 does the board have any other feedback on the draft
22 policy.

23 So with that, I will hand it back to the chair
24 for any comments and questions.

25 SUPERVISOR KUEHL: Thank you very much. I really

1 appreciate the work. I know that the board appreciates
2 the work. I appreciate the reference to other systems and
3 to studies and to adopting a set of guiding principles and
4 to organizing the questions.

5 I will go last in the order of questions. But as
6 Jennifer indicated to us, she has shown us four questions,
7 but the answers and feedback that you give us,
8 commissioners, is not of course limited to that. So let
9 me ask if anyone has indicated in the chat that they'd
10 like to speak. I have not gotten any texts, but I know
11 that -- here's the important part.

12 They really want a lot of feedback because we're
13 going to be voting on this next month. And though
14 procurement is not perhaps the most sexy of issues,
15 there's a lot of money involved over the course of time.
16 And so I think we really want you to consider the feedback
17 that you want to give the staff.

18 Let me call first on Romalis.

19 COMMISSIONER TAYLOR: Okay. First of all, to
20 answer your question from my perspective -- and I'm just
21 one of the board members. I think it's rational that we
22 go with what is -- to increase the rate that the director
23 can approve because, if it's consistent with policy and
24 general practice in other areas of business and
25 government, it's consistent. My problem with the way it

1 was written is that there -- there -- you left it open on
2 amendments.

3 Before in the practice of the 75, you go beyond
4 that and you do an amendment. You cannot go beyond a
5 certain percentage. So what is the practice in the field
6 around that percentage? Is it ten percent? 20 percent?
7 Or does it have to come back to the board? Because that
8 is the question. All right. For that. So it's not the
9 amount. It's what do you have to do if you have to amend
10 it, and what is that amount and the next threshold for it.
11 Our current policy is ten percent. Is that what is
12 consistent with the rationale of other jurisdictions?

13 The next thing I have is that -- the approach and
14 I don't know if you covered it in the review with the
15 staff -- is that, when they're out there putting these
16 plans together, is there policy that says, at this point,
17 you need to engage procurement personnel or whoever in
18 order to make sure that the integration and the time frame
19 is dealt with and the approach of contracting is dealt
20 with timely rather than they come to you, give it to you,
21 and then you say, no, you can't do that. You know what I
22 mean? So there has to be more of an integration and
23 strategy in the framework of how we create things that
24 says when do they get you involved more upstream and then
25 transition that in. And that needs to be put in the

1 policy so all those program directors, managers, and
2 everyone understands they have to think about that and how
3 they do it so that it's not just thrown upon procurement
4 personnel and all the other areas, technical and all that.
5 So there needs to be something in there for that. I hope
6 to see that.

7 The last thing I want to talk about is your thing
8 on diversity, equity, and inclusion. Since we have not
9 seen the report on diversity, equity in the study that we
10 paid for and you guys are handling it all internally
11 without us, I'm hard pressed to go down this road unless
12 there's an edit to this for the interim. And the edit is
13 that -- because I want to make sure that what we do here
14 complies with and is adjusted to whatever the report says
15 that we need to be doing around this issue and that we're
16 not just doing it.

17 For one thing is that the commission shall
18 address various -- no. The ED or their designee are going
19 to address those barriers. Change that immediately. The
20 other one is where that says the commission shall collect
21 data -- monitor and use data on diversity, equity, and
22 inclusion. No. That's the ED that will do it or the
23 designee. And they will report that annually, monthly, or
24 whatever is reasonable to the board. Right? Because you
25 guys -- we're not out there doing this in the midst of all

1 of that.

2 So this put things -- so when you write these
3 kinds of things, be clear about that. We're the
4 commission and we're not doing the work and, therefore,
5 the person doing the work and overseeing the work needs to
6 report to us. Right? Okay.

7 So those are the two finite things that I saw and
8 that's -- I thought it was very good work, but I thought
9 that these are the things that concerned me. Hopefully,
10 you'll correct them before the next time.

11 The other thing in the front, you define all of
12 these words like CAP and everything, but you didn't define
13 in the first paragraph of application the user team or
14 office shall complied with this policy procedure developed
15 by CAP. So who -- you need to define what is the user and
16 what is the office team. What does that mean? Who are
17 they? So that those people in the organization understand
18 they are responsible to do something. Right? This
19 generalized statement doesn't say who. You did it well in
20 defining it before about all these other people that are
21 participating in the decision process. Whenever you put
22 something, you need to define it and then go on.

23 But at this point, those are the only things that
24 I saw that I had real questions. I love the fact that
25 we're including that. But I want to see the report

1 annually or semi annually to the board -- to the
2 commission and doing that -- and that's going to be the
3 director or their designee that does it and reports it to
4 us. That's my -- so I'm just throwing that out there. I
5 don't know --

6 MS. BELSHE: That's great, Romalis. Let's give
7 Jennifer an opportunity to kind of touch on each of those
8 important questions or --

9 COMMISSIONER TAYLOR: Okay.

10 MS. BELSHE: -- insights that you're offering.
11 Jen.

12 MS. ECKHART: Thank you so much. That's great
13 feedback.

14 So let's start with the amendment. And I
15 apologize if I was not very clear. The recommendation is
16 for the board to approve any contracts and amendments that
17 exceed 150,000. So we just aligned the contract amount
18 with the amended amount as opposed to a percentage.

19 COMMISSIONER TAYLOR: So you're going to put that
20 in the policy so it's clear?

21 MS. ECKHART: Yeah. It should already be in
22 there, but if it isn't, I'll go back and check.

23 COMMISSIONER TAYLOR: Okay. Thank you.

24 SUPERVISOR KUEHL: Jennifer, let me interrupt for
25 just a second about that. There's usually no limit to the

1 number of times that a contract can be amended. And so
2 I'm not sure whether we also need to pay attention to the
3 aggregate. We are amending and amending and amending, and
4 it could be over that threshold amount, under it each
5 time, but over it in the aggregate.

6 MS. ECKHART: Thank you so much. I did
7 intentionally include in the aggregate because it's not
8 meant to bypass board approval. So we would be tracking
9 and monitoring so the aggregate.

10 SUPERVISOR KUEHL: Okay. Thanks.

11 Go ahead, Romalis. I'm sorry. Or answering
12 Romalis about the -- I think he made four points, but any
13 answers or just that you will take the feedback and see
14 what to do? I think the next issue was about integrating
15 the work of -- kind of looking for what will be done with
16 the RFPs as I recall.

17 COMMISSIONER TAYLOR: Yeah. Anything that
18 requires contract when the -- it needs to be in the policy
19 that the directors, the team, or whatever it is, the
20 integrated team, will consult with procurement at X point,
21 whatever you think is reasonable so that you can plan for
22 that down the road so we don't create a barrier for -- for
23 implementation once it's approved. So I just would like
24 to see more upstream participation by the administrative
25 support team to these different project managers and

1 things of that nature. Okay?

2 So what do you want -- I'm sorry. Since Kim said
3 you need to answer that, can you --

4 MS. BELSHE: No. No. No. I think it's
5 important -- excuse me for interrupting. I think we're
6 clear on your questions, Commissioner Taylor. I just
7 said, if we can, Sheila give Jennifer a chance to say a
8 few words about each of them because I think it's largely
9 clarifying what our intent is. So if that's all right,
10 let -- Jennifer, do you want to say a quick word about how
11 CAP is integrating its -- its work already with the
12 business side of First 5 LA?

13 MS. ECKHART: Yes. So the -- I really appreciate
14 that your comments about upstream and involvement, and
15 that's speaking my language because that's what we want to
16 promote. And if we need to be more explicit about that in
17 the policy, we certainly can. But we are looking at also
18 strengthening our processes so staff know precisely when
19 to engage CAP. And that is at the earliest stage
20 possible. So that's work that's underway as well. And
21 that's our current process at this point, is that staff
22 are required to engage the contracts department when they
23 are ready to discuss their procurement needs.

24 You did mention some edits to the DEI piece and
25 reporting at some sort of intervals -- regular intervals

1 to the board. So that's something we'll take back and
2 discuss and see how that can be incorporated as well.

3 And then, finally, for defining users, that's
4 really staff and any contractor that is asked to do
5 procurement on behalf of the commission. And we'll make
6 sure that's clear in the comments.

7 MS. BELSHE: Jennifer, can you -- I'm sorry if I
8 misstate what you just said. But Romalis is raising an
9 issue I struggled with when I -- early in my tenure, which
10 is in our formal processes, board adopted processes, there
11 are references to the commission. And the intent is not
12 to say the board members will be the doers, but it's the
13 commission in terms of entity that is responsible.

14 So, Romalis, when you're saying you're
15 recommending that we change certain things, the intent is
16 not to be saying the board, the commissioners are expected
17 to do A, B, and C; it's the commission of First 5 has a
18 responsibility to do certain things. Right, Jen?

19 MS. ECKHART: That's correct and maybe -- yes.
20 That's correct. Commission refers to First 5 LA as the
21 entity.

22 COMMISSIONER TAYLOR: Yeah. But you're writing a
23 policy and a procedure. When you're writing a policy and
24 procedure and someone picks it up, they don't always
25 understand that. So we need to be clearer about it in

1 places where it requires who's going to do the work.

2 MS. BELSHE: We'll take another look at that. I
3 want to acknowledge, as Jennifer said, this is a policy
4 and then the implementing processes are much more
5 granular. So I really want to encourage commissioners to
6 keep this at the right kind of higher level of board level
7 policy, and then the team informed by your direction will
8 get into the more detailed implementing processes.

9 SUPERVISOR KUEHL: I understand that, but I think
10 Romalis's point, if I may add and interpret, is that a
11 policy also needs to be clear everyone reading it. And
12 the truth is not everyone thinks of the First 5 LA as a
13 commission. And so it could be -- and I guess what he
14 asked to be explored is whether it could be further
15 clarified that the authority to do what is -- those two
16 things as delegated to the executive director. So take a
17 look at that because one wants everyone to understand that
18 the commission has the responsibility, and we know that,
19 but that's the entity, not the board.

20 MS. BELSHE: Right.

21 MS. ECKHART: Thank you.

22 COMMISSIONER TAYLOR: Thank you, Supervisor.
23 You're right on target. Exactly what I was saying.

24 SUPERVISOR KUEHL: I just took those
25 interpretation classes.

1 So anything -- thank you very much, Romalis.
2 Very cogent and important.

3 Do we have any other commissioners who've
4 requested to speak? I think they really do want your
5 feedback, gang. Do you have any thoughts or questions?

6 I don't hear anything. So while you're thinking,
7 I'm going to ask a question of my own and come back to
8 others if you you've had some thoughts.

9 Your third question, Jen, was whether the board
10 is comfortable with delegating approval of the contracts
11 above this threshold amount to Kim under emergency
12 circumstances and when the board is not in session. It's
13 my understanding that that would be every contract between
14 150,000 and 300 million. Is that right? I mean or 400
15 million or the sky's the limit.

16 MS. ECKHART: Correct. Correct.

17 SUPERVISOR KUEHL: That -- I don't feel
18 comfortable with that. And I guess the reason is because
19 I assume that Kim is going to retire some day and we will
20 have this policy and we may not have such a squeaky clean
21 and honest executive director. No -- I hope that's not
22 offensive. I mean it as a compliment. And I worry about
23 not emergency circumstances, because we certainly have
24 seen that those can exist, and that would be possibly an
25 official emergency circumstance. But also, you know, the

1 -- all of a sudden that the tsunami hit the building and
2 we need to call a plumber right away and it's a big
3 contract.

4 But the part that worries me is when the board is
5 not in session, because any huge contract could approved
6 by the executive director when the board is not in
7 session. And I don't know whether maybe Craig can tell
8 me, is the contract official when the executive director
9 approves it or not until the board ratifies it?

10 MR. STEELE: The contract's effective on
11 execution by both parties. So the ratification is not --
12 is not determining point.

13 SUPERVISOR KUEHL: Right. So it would be a valid
14 contract entered into by the executive director for
15 potentially an unlimited amount. And I -- you know, I
16 understand the need to do that, but I don't feel
17 comfortable with it which is kind of what the question is.

18 MS. BELSHE: This is Kim, Sheila. Maybe
19 appreciate the feedback and the -- regardless of who the
20 ED is, certainly, it would not be the intent to be moving
21 significant sums of money forward without formal board
22 approval. It's trying to get at what's been a challenge,
23 particularly like in the fall, you know, when we have an
24 extended break between November and January and,
25 occasionally, in the summer of just work that's poised to

1 move forward. And it's -- these are not huge contracts.
2 So maybe we can take your comments and other comments from
3 commissioners and maybe come back with some tighter
4 guardrails around that that are more tightly aligned to
5 the problem we're trying to solve.

6 SUPERVISOR KUEHL: Yeah. I really understand the
7 problem. I just think it's an invitation to cheat. Not
8 to you, but, certainly, potentially to others. What we've
9 done in other entities -- and I've been on several boards
10 in my lifetime -- is we delegate often approval to an
11 executive committee, you know, some senior board group
12 that in this day and age, you know, could be called upon
13 to -- you know, if one is Sri Lanka and the other is in
14 Maine. I don't know. I just think there has to be a way
15 to have approval of some contract entered into over a
16 certain amount. I mean, we're talking about, do we want
17 board approval over 150,000 except in August when you can
18 sign a contract for 300 million. I don't know -- it
19 doesn't help us a whole lot.

20 MS. BELSHE: Got it. Thank you.

21 MS. ECKHART: Thank you.

22 SUPERVISOR KUEHL: Okay.

23 COMMISSIONER TAYLOR: This is Romalis Taylor. I
24 want to jump in on that. Totally agree with you. And
25 some of the boards that I sit on, it's delegated to the

1 executive committee to act in lieu of the full board in
2 order to approve anything during that. And that would be
3 the executive committee could do that.

4 SUPERVISOR KUEHL: Right.

5 So, Judy, do you have any feedback about whether
6 that would give you heartburn or feel more appropriate?

7 COMMISSIONER ABDO: Well, I -- I'm wondering if
8 this is in an emergency.

9 SUPERVISOR KUEHL: No. It's not in the
10 emergency.

11 COMMISSIONER ABDO: Okay. So if it's -- if it's
12 just in the --

13 SUPERVISOR KUEHL: Emergency -- and when the
14 board is not in session.

15 COMMISSIONER ABDO: Well, when we're not in
16 session, I think that we could bring the executive
17 committee together. That would be possible. We'd have to
18 probably talk about it before the break in time to make
19 sure that everybody was available, but it seems to me that
20 that's quite possible.

21 SUPERVISOR KUEHL: I also want to ask Craig a
22 question because there's a big difference, as you know, in
23 the law between "and" and "or." What's the intention that
24 there needed to be -- because Judy just sort of read it
25 that way. There needs to be an emergency and the board is

1 not in session and it's only when those two things come
2 together that the approval would be delegated or -- or is
3 it an emergency or --

4 MR. STEELE: I think the current intent is for it
5 to be "or."

6 MS. ECKHART: Correct.

7 SUPERVISOR KUEHL: Well let's make that clear
8 because every word counts because this could be read where
9 there's an emergency and the board's not in session, which
10 means you couldn't do it under an emergency if the board
11 was going to have a meeting.

12 MS. ECKHART: That's right. Yeah. It's
13 either/or.

14 SUPERVISOR KUEHL: There's an emergency, but
15 we're going to have a board meeting, we still want Kim to
16 be able to enter into contracts?

17 MS. ECKHART: That's correct. If there's an
18 emergency about that amount between board meetings where
19 we have to move quickly on it, we are asking for authority
20 for the ED to approve.

21 SUPERVISOR KUEHL: Okay. Well, I want you to
22 think about what we talked about where there might be a
23 threshold for the executive committee.

24 MS. ECKHART: Okay.

25 SUPERVISOR KUEHL: Anybody else have a comment or

1 a question or any other feedback, anything that concerns
2 you about any of it?

3 COMMISSIONER ABDO: I have one thing, as I've
4 been thinking about this. Back in the days of the
5 dinosaurs, when I was mayor of Santa Monica, we did have
6 an emergency. And it was an earthquake that was in 1994.
7 It was major in Santa Monica. And we had to make some
8 decisions as a city council. And so we called an
9 emergency meeting like the next day and met to make these
10 decision. We didn't have at that time the ability to
11 bring people together virtually. And so I -- I just want
12 to put that out there that the executive committee
13 wouldn't necessarily have to be physically meeting with
14 staff, but that there would be the opportunity to make
15 decisions virtually in an emergency.

16 SUPERVISOR KUEHL: Right. So take it -- see what
17 you can come up with because I think there was just a
18 little discomfort about it, not for the current executive
19 director, but for the future.

20 Anyone else on the item in any part thereof?

21 COMMISSIONER TAYLOR: I think Commissioner Carol
22 had her hand raised.

23 COMMISSIONER SIGALA: I just agree with everyone.
24 I think to proceed with caution on that. It's not about
25 Kim at all, but I think that the ghost that might be

1 taking that seat later. I think also may be to take the
2 executive committee as people who could represent all of
3 us and -- it's not a trust issue, but I think it's just a
4 safeguard and the executive committee could assist on that
5 as well.

6 Again, Kim, we totally trust you. It's not a
7 trust issue. It's just a safeguard issue I think. And I
8 think all of us are a little concerned, and we should be.
9 So I think look at it cautiously, but, again, I think the
10 hard work that you've put in, I do appreciate.

11 MS. BELSHE: Really helpful feedback. We'll take
12 a look at the safeguards and update our recommendations
13 when we come back in September.

14 SUPERVISOR KUEHL: Thank you. Anybody else have
15 their hand up or waiving or texted anybody or in the chat
16 any other questions or comments?

17 All right. Then we thank -- thank you both very
18 much for the presentation and we look forward to the final
19 recommendations for our adoption at our September meeting.

20 If everyone is okay, let us move on then to
21 Attorney Steele's presentation about -- and I think we
22 only allocated maybe about ten minutes for this because
23 it's information only. But let us know where we're
24 standing on the Brown Act in public meetings and the
25 ability to continue remotely.

1 MR. STEELE: Thank you. Good afternoon, chair,
2 members of the commission. Chair, you and the executive
3 director kind of stole my thunder on this a little bit
4 with your earlier comments, but I'll just elaborate a
5 little bit, to give the commissioners a heads-up that our
6 ability to meet in this format virtually is likely coming
7 to an end.

8 One of the first things the Governor did after
9 declaring an emergency in the state was adopt an order to
10 waive the requirements the Brown Act that -- and to make
11 it easier for public agencies to meet virtually like this
12 without a physical location to -- in order to promote,
13 obviously, physical distancing.

14 So as of June 15th, he has indicated that that
15 executive order will no longer be in effect as of
16 September 30th of this year. So starting in October of
17 this year, the board and its committees must go back to
18 having a physical location for Brown Act covered meetings.
19 So this board and your committees would have to meet in a
20 physical location and provide an opportunity for the
21 public to -- to observe and participate at that physical
22 location.

23 It's still possible under the existing and the
24 pre-pandemic Brown Act to have commissioners participate
25 telephonically. It's just harder. There are a number of

1 procedural requirements including putting on the agenda
2 the address of the location where the board member will be
3 participating by telephone. So it's just more difficult
4 to have board members participate virtually. And so we
5 anticipate, frankly, that it's not really very practical
6 to have a large number of board members doing that.

7 So in September the staff anticipates coming back
8 to the board to give you an idea of where the physical
9 location of your meetings will be over the next several
10 months as the work starts on First 5 LA's building. It
11 may not be possible to hold board meetings in the NPR. So
12 we'll have some information about that in September and
13 then anticipate that starting in October your board
14 committee meetings will be at a physical location.

15 For those commissioners who might be thinking
16 about or inclined to try to still participate virtually, I
17 would encourage you very strongly to get in touch with
18 your board secretary as early as possible. Linda would
19 need time to kind of walk you through what the
20 requirements would be and make the arrangements if it's
21 possible to do so. So I would suggest that, if you think
22 in October you may not be comfortable or able to attend in
23 person, talk to Linda perhaps after the break in September
24 about what it's going to take to allow teleconference.
25 And just be forewarned that it's burdensome and requires

1 you to disclose where you're going to be participating.

2 That's the extent of the changes so far that the
3 Governor's kind of unwinding will have on First 5 LA.
4 There's still a number of executive orders that are still
5 in effect. The state of emergency is still in effect, and
6 it's been indicated that that may go on for a few more
7 months. So we'll keep you updated as we go along as to
8 any other changes that affect the organization.

9 And with that, I'd be happy to answer any
10 questions.

11 SUPERVISOR KUEHL: Craig, I think we're going to
12 hold the questions to the next item because it's actually
13 related. If that's all right with commissioners, I think
14 we'll have a though discussion about this.

15 The next item talks about the board questionnaire
16 and, you know, touches on a lot of different things, but
17 one of them will include our comfort about, you know,
18 coming back and how we'd like to do that in virtual
19 meetings, et cetera. So make some notes if you want to
20 ask Craig questions about this. And I think, if it's okay
21 with you --

22 Linda, are there any public comments on this
23 item?

24 THE SECRETARY: There are no public comments on
25 this item.

1 SUPERVISOR KUEHL: Okay. Then let's move to the
2 board survey report and kind of fold our questions to
3 Craig, if we have any, into that. And then move --

4 Linda, are you going to kick this off and then
5 turn it over to Jamie?

6 MS. VO: I am. Thank you so much, Supervisor
7 Kuehl.

8 SUPERVISOR KUEHL: Let me say before you start
9 though that we are really looking forward to Jaimie's
10 first presentation to the board.

11 MS. VO: Yes.

12 SUPERVISOR KUEHL: No pressure.

13 MS. VO: She's going to do great. You'll be
14 happy to hear what she has report out.

15 MS. KNOWLES: I'm excited as well.

16 SUPERVISOR KUEHL: Okay. Go ahead.

17 MS. VO: Thank you so. With that, I'll start.
18 Good afternoon, commissioners, colleagues, and members of
19 the public. Joined today by my colleague Jaimie Knowles.
20 We're excited to report out on the survey conducted with
21 the board members in the spring of 2021. Jaimie and I will
22 be tag-teaming throughout this presentation.

23 Today we'll be discussing four areas: Survey
24 background, key themes, key take aways, and next steps.

25 In an ongoing effort to effectively support

1 commissioners in their governing role, First 5 LA began
2 conducting surveys with our board back in 2016, soliciting
3 feedback from First 5 LA commissioners on board-related
4 information, materials, communication, as well as board
5 engagement opportunities.

6 MS. KNOWLES: We're please to report tat 75
7 percent of all commissioners completed the survey in the
8 spring of 2021. This survey including a total of 44
9 questions, across a variety of topics aimed to dig deeper
10 into the experience of our board members and help First 5
11 LA to more effectively support board learnings and
12 engagement.

13 We're going to discuss three key themes today:
14 Virtual meetings, topics of interest, and meeting time,
15 materials, and communication.

16 The first thing we want to dive into today
17 relates to our virtual meeting context. As we all know,
18 conducting our board and committee meetings virtually was
19 a necessary shift to ensure the health and safety of our
20 board, colleagues, and public members during the Covid-19
21 pandemic. Given this, we were eager to hear from board
22 members on how meeting virtually has effected their
23 experience as our governing structure.

24 Based on the survey results, even though we
25 discovered that the Zoom webinar platform is easy to use

1 for most commissioners with 93 percent of respondents
2 agreeing that Zoom is not difficult to navigate, we got
3 mixed reviews on the overall impact that virtual meetings
4 have had on our board. For example, we saw consistently
5 throughout board member comments that engagement among
6 commissioners and First 5 LA team members was more
7 difficult in this virtual setting. And, of course, the
8 persistent challenges brought forth by unstable Internet
9 and technical difficulties was another consistency we
10 observed throughout board responses.

11 The next thing we're going to discuss today are
12 topics of interest for our board members considering 92
13 percent of respondents confirmed it's important that First
14 5 LA support board learning and engagement with our work.

15 According to the survey, the areas of work that
16 our board is most interested in learning more about are
17 diversity, equity, and inclusion, policy and advocacy, and
18 First 5 LA's strategic priorities which include
19 strengthening public and community systems, advance and
20 build on community experience and ECE, optimize First 5
21 LA's effectiveness, and expand influence and impact with
22 data.

23 We also heard from commissioners on their top
24 three preferred forms of engagement, listed here in order
25 of preference, and include board meetings, board retreats,

1 and First 5 LA workshops and seminars.

2 And the last theme we're going to dive into today
3 relates to learnings around our meeting time and cadence,
4 meeting materials, and communication with our board
5 members.

6 Survey responses tell us that the cadence and
7 length of our monthly board meetings is sufficient to do
8 the board's work, keeping in mind our meetings have
9 usually run from 1:30 to 3:30 p.m. in this virtual
10 setting. However, we did hear from board meetings that
11 attending additional committee meetings is sometimes
12 difficult to work into their busy schedules.

13 We also queried commissioners on a variety of
14 board materials, including board agendas, staff
15 presentations and memos, and the ED report. On average,
16 most commissioners reported they do find our board
17 materials helpful and they do read them. However, we did
18 hear from a number of respondents that it is sometimes
19 challenging to consume all the board materials prior to
20 board and committee meetings due to time commitments and
21 full-time jobs.

22 And, lastly, the board survey uncovered that
23 commissioners prefer we communicate with them via e-mail.
24 And don't worry, we will continue to e-mail you often.

25 MS. VO: So what does this all mean and what are

1 the key take-aways? As it relates to virtual meetings,
2 the key take-aways are -- overall, we did hear from
3 commissioners that they are comfortable attending the
4 meetings via Zoom, but we did get some mixed reactions
5 around the ability to engage with other board members and
6 First 5 LA staff in this virtual setting.

7 Given what we heard, we do recognize there is an
8 opportunity for First 5 LA to embrace some sort of hybrid
9 model in the future. That could include some in-person
10 and virtual components within the constraints of the Brown
11 Act. And as we've seen during meetings, internet
12 stability and technical difficulties does continue to be
13 an issue for some board members.

14 When it comes to meeting time, materials, and
15 communications, in general, board members do agree that
16 the shortened meeting format is sufficient for completing
17 the board's work. Some ways we have shifted our board and
18 community meetings to be more efficient during this
19 virtual setting is that we have presented more written
20 only items, and streamlining the verbal presentation on
21 our consent items.

22 However, although board members did feel that
23 shortened meetings were sufficient to complete the board's
24 work, as we've heard from board members, there were
25 limited opportunities for board engagement in this virtual

1 setting.

2 Finally, in response to the survey around topics
3 of interest will contribute to how we plan for future
4 board meetings and inform our strategy in developing
5 future board agendas and engagement opportunities.

6 What are next steps for First 5 LA? So staff
7 have continuously been working on refining internal board
8 related processes to streamline touch points with board
9 members. As we heard from Jennifer Eckhart, if approved,
10 the procurement policy reforms will reduce the number of
11 specific contracts having to go before the board if they
12 fall under a certain threshold, thus freeing up board
13 member's times from having to review smaller dollar
14 contracts and allowing board members to focus their
15 intention on more strategic areas of our work.

16 And the near terms, to adjust some technology
17 challenges we've all experienced in this virtual setting,
18 we will offer hot spots and iPads to board members to use
19 for the duration of meetings taking place virtually.

20 Lastly, staff will use these findings to help
21 inform our long-term strategies on how future board and
22 committee meetings will be conducted. Something we are
23 considered as mentioning before is a hybrid approach of
24 virtual and in-person that would be done within the
25 constraints of the Brown Act. We will also use these

1 findings to inform how board meetings can be refined in a
2 manner that better supports our board as our governing
3 structure.

4 In conclusion, we would like to thank again our
5 board members for their time and attention in completing
6 this year's board survey. Your feedback has been
7 invaluable and thought provoking, and we look forward to
8 incorporating our learnings into our work moving forward.

9 And with that, I will pause and hand this back to
10 our chair to see if there are any questions or comments on
11 our item or the update on Governor Newsom's executive
12 order around public meetings as presented by Craig.

13 SUPERVISOR KUEHL: Okay. Thank you.

14 So board, now is your time over all of these
15 things to emphasize things that might have gotten your
16 attention when you were filling out the survey, things
17 that are important to you that you don't know if you
18 answered on the survey, anything having to do with our
19 meetings, with how you get materials and communication,
20 with, you know, any of these issues about how we hope that
21 we'll move forward in the future.

22 So do have I any folks that have asked to respond
23 to any of this or to Craig's presentation about meetings?
24 Everybody must be so happy or you're just all on mute.

25 Okay. Do you see -- Linda, do you see any hands

1 or anybody asking in the chat?

2 THE SECRETARY: I don't see any hands or chat
3 messages for board comments.

4 SUPERVISOR KUEHL: Okay. Well, I guess you were
5 really serious about liking to get out at 3:30. But we do
6 have 12 more minutes, including public comments. So,
7 everybody, going once, going twice? No questions or
8 comments on the survey, something you may want to
9 emphasize, make sure that people take into account?
10 Everybody understand about the coming back in person
11 potentials, even if we're not in the building that's going
12 to be under construction?

13 Okay. I'm glad you're all comfortable. Then we
14 have included the agenda.

15 Do we have any general public comments for items
16 not on the agenda?

17 THE SECRETARY: I do have actually have a public
18 comment on Item 9, supervisor.

19 SUPERVISOR KUEHL: Oh. On Item 9. Please do.

20 THE SECRETARY: This is from Kathie Schriener.

21 Dear commissioners. I was disappointed when I
22 read the Item 9 report regarding commissioner views on how
23 the virtual meetings have worked out. As a member of
24 public who has attended on Zoom all but two of the
25 commission and program and planning committee meetings

1 held during the pandemic, I have been disappointed to
2 observe how quick public comments have been made. My
3 guess is that there have been fewer than ten public
4 comments by the 20-plus virtual meetings have I attended.
5 This is in striking contrast to other virtual meetings by
6 that public bodies I have attended during the pandemic.

7 My guess is that one of the difficulties is the
8 process of restricting public comments that will be heard
9 during a meeting to written comments that must be
10 submitted prior to the start of the meeting in order to be
11 read during the meeting. I wondered how many members of
12 the public are willing to, one, carefully review meeting
13 materials in advance in order to identify issues on which
14 they might want to comment; and, two, craft a written
15 comment that would communicate the sender's thoughts and
16 concerns, while knowing that the comment will be delivered
17 through a neutral reading absent any feelings or passion
18 the commenter might be trying to convey.

19 I suspect that there are other barriers to public
20 comment beyond those I have identified from my personal
21 perspective. I realize that the board survey did not
22 contain a question about public comments. However, I am
23 disappointed that in an array of observations about
24 positives and negatives of the virtual meetings, no one
25 raised the issue of the virtual absence of public meetings

1 -- comments.

2 And that concludes this public comment.

3 SUPERVISOR KUEHL:

4 THE SECRETARY: Is it looks like the supervisor
5 might have dropped off.

6 SUPERVISOR KUEHL: No. No. I'm here. I left it
7 unmuted too long. I thank the public commentor. And I
8 think that, you know, we'll have to figure out how all of
9 this is going to shift. However, I do think that you did
10 read that with the appropriate emotion. So thank you.

11 Any other public comment that was submitted?

12 THE SECRETARY: No other public comments.

13 SUPERVISOR KUEHL: Okay. I -- any second or
14 third thoughts from board members that you want us to pay
15 attention to before we adjourn?

16 Okay. I am very pleased at the way all of this
17 unfolded today. And I thank you all very much for the
18 very thoughtful staff work, the presentations. And do you
19 know -- there is kind of camaraderie that we've gotten
20 used to I guess because, in the last year and a half it's
21 been mostly what we've had, but I want to thank all the
22 commissioners for really hanging in, paying attention, you
23 know, thoughtfully participating. And it's -- it's been
24 an important if unusual time.

25 So we will meet again in, I guess, couple of

1 months; right? Let us remind everyone of the meeting date
2 for our next board meeting, if anyone has it in front of
3 them.

4 THE SECRETARY: September 9th.

5 SUPERVISOR KUEHL: And also there's a closed
6 session beforehand, commissioner. Make sure that's on
7 your agenda. I think that's true.

8 Okay. We have successful concluded another board
9 meeting. I hope that you all have a very, very fine break
10 sometime over the next two months, if possible. Refresh,
11 inhale, do all the things that we're supposed to do in
12 order to get ready to go back to school in the fall, which
13 is I guess what we're all going to do.

14 So thanks so much. And I don't think I need a
15 motion to adjourn. So if there's no objection from any
16 commissioner, this meeting is adjourned. Thank you.

17 (At 3:23 p.m. the meeting was adjourned.)
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C E R T I F I C A T E

I, Heatherlynn Gonzalez, a Certified Shorthand Reporter for the State of California, License Number 13646, do hereby attest that:

The preceding is a true and accurate transcription of the meeting of the organization named herein;

The meeting was taken down stenographically and transcribed into English under my supervision and authority;

I have no interest, financial or otherwise, in any of the parties, issues, or individuals who are involved in this organization.

Attested to on this 22nd day of July 2021.

DocuSigned by:
Heatherlynn Gonzalez

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CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

First 5 LA

SUBJECT:

Contracts for approval

RECOMMENDATION:

Approve one amendment and authorize staff to complete final execution of the amendment upon approval from the Board.

BACKGROUND:

First 5 LA's proposed programmatic budget for FY 2021-22 totals \$92,304,000 and the approved operating budget totals \$21,992,168. Funding for the new agreement and amendment are included in the FY 21-22 budget which was approved at the June 10, 2021 meeting. For contracts that span fiscal years, the estimated spending amount for each fiscal year will be included in First 5 LA's annual budgets for approval. Pursuant to contract terms, if the Commission does not appropriate funds for the agreement in future fiscal years, First 5 LA may terminate the agreement. Upon approval of the agreements presented below, staff will complete final execution.

There is **one amendment** for approval with Prevention Institute to support the Built Environment Policy Advocacy Fund (BEPAF), a multi-year grant and technical assistance program that aims to build the organizational capacity and effectiveness of advocacy groups and community-based organizations that are working to improve three focus areas of the built environment – parks/open space, transportation/mobility, and food security – through public policy advocacy. The contractor serves as the intermediary to manage the pool of funds, administer, and monitor the grants. This amendment enables the contractor to fully manage the closing out of BEPAF (sunset date of June 2022), along with the technical assistance and convenings for BEPAF grantees as they end their second-year grants in June 2022. BEPAF will end in June 2022 and will be integrated into one intermediary contract and managed by the Office of Government Affairs & Public Policy.

DISCUSSION:

Staff seeks the Commission's approval of the amendment summarized in Attachment A.

**Attachment A
September 2021**

AMENDMENTS									
TEAM	TEAM/ INITIATIVE/ STRATEGY / PROGRAM	CONTRACT (PROJECT) INFORMATION	PROCUREMENT METHOD	PROJECT LENGTH	CURRENT CONTRACT AMOUNT	AMENDMENT AMOUNT	NEW CONTRACT AMOUNT	*SATISFACTORY PROGRESS ACHIEVED BY CONTRACTOR?	
1	Communities Team	<p>Communities/ Field Building/ Built Environment Policy Advocacy Fund (BEPAF)</p> <p><u>PREVENTION INSTITUTE (#10209)</u> The Built Environment Policy Advocacy Fund (BEPAF) is a multi-year grant and technical assistance program that aims to build the organizational capacity and effectiveness of advocacy groups and community-based organizations that are working to improve three focus areas of the built environment – parks/open space, transportation/mobility, and food security – through public policy advocacy.</p> <p>The Contractor serves as the intermediary to manage the pool of funds, and administer and monitor the grants. This amendment is for additional funding of \$491,965 and project extension of 8.5 months to enable the Contractor to fully manage the closing out of BEPAF (sunset date of June 2022), along with the technical assistance and convenings for BEPAF grantees as they end their second year grants in June 2022. BEPAF will end in June 2022, and will be integrated into a new Policy and Advocacy Fund that is anticipated to launch in FY 22-23.</p> <p>Funding for this contract was included in the budget for FY21-22, which was approved at the June 10, 2021 Board of Commissioners meeting. Additional resources will be included in the mid-year budget.</p>	RFP	2 Years, 8 Months	\$ 875,000 <i>Committed for FY 2021-22</i>	\$ 491,965	\$ 1,366,965 Estimated FY 21- 22 Spending \$886,131	Yes 82	

*Satisfactory progress is based on whether contractors and grantees are making or will be expected to make satisfactory progress towards completion in the current agreement by the contract expiration date.

Memo

To: Board of Commissioners

From: Kim Belshé, Executive Director

Date: September 9, 2021

Subject: EXECUTIVE DIRECTOR'S REPORT

I. EXECUTIVE DIRECTOR'S HIGHLIGHTS

Hello, Board of Commissioners! The First 5 LA team is eager to reconnect with you following the summer break. There are a number of important topics that we'll be engaging the Board on, including seeking Board approval of First 5 LA's home-based child care strategy and First 5 LA's updated procurement policy, both of which have been informed by multiple Board touch points in recent months. Additionally, we'll report back to the Board on the temporary physical location for First 5 LA Board of Commission meetings this fall, in anticipation of the return to in-person meetings.

Over the course of the summer, many members of the team have taken time away from our virtual office, myself included. I've encouraged the team to take care of themselves. We're processing a lot in today's social, economic and political context, as well as in the context of efforts to accelerate First 5 LA's change journey as an organization. Time for self-care – however one might define it and however best one might achieve it – is a critical part of First 5 LA's ability to undertake transformational work.

The summer has also provided valuable time for the team to engage around a number of the critical questions central to moving our Strategic Plan forward in a focused, aligned, and DEI-centered way. We continue to test new ways of working together across functions and, in so doing, are identifying opportunities for greater integration of activities across initiatives. The team is eager to share examples over the course of our fall meetings with Commissioners.

Finally, the team has undertaken important work relative to First 5 LA's newest value and investment guideline - diversity, equity and inclusion (DEI) – which we will update the Board on at the October Commission meeting. Here, I'd share some of the work underway in recent months. With support from SEED Collaborative, the team has engaged in an extensive process to establish a baseline assessment of First 5 LA's culture; DEI understanding and acumen; DEI policies, procedures and practices; and DEI positioning in the organizational structure, among other things. I'm grateful for the thoughtful engagement by the First 5 LA team and for the learning being lifted up from the SEED process and follow-up discussions.

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Karla Pleitéz Howell
Deanne Tilton
Keesha Woods

EXECUTIVE DIRECTOR

Kim Belshé

EXECUTIVE VICE PRESIDENT

John A. Wagner

A PUBLIC ENTITY

As I've shared with my colleagues, one of the things that makes First 5 LA a special organization is the heart and humanity the team brings to our work. We bring passion for the mission and opportunity for impact; respect for community; and affection for one and others. The powerful connection to the work, community, and one and other is a distinguishing characteristic of First 5 LA.

Together, we are connected to our North Star, which defines *why* we do what we do; our values – including DEI – define *how* we act in service of that purpose. We can't separate the impact we seek from who who we are and how we work together. In short, our capacity to effect our North Star depends on our capacity to live our values.

If we want to contribute to greater opportunity and equity for young children in our County, we have to center DEI in our work. If we want to model the way, for our community partners, for other public agencies, we have to embody the value of DEI ourselves. And, if we want First 5 LA to be an organization where every member of the team is seen, heard and valued, we must live into the behaviors, norms and practices that reflect our DEI value.

This work has deep meaning and resonance for me; it matters to me personally and professionally. As I've shared with my colleagues, our DEI work to date has helped to complicate, inform and shift my thinking about my own leadership, behaviors and practices. I'm endeavoring to lean in, listen, engage and learn, reflecting on hard questions for First 5 LA and me as Executive Director, including what's my role and contribution to First 5 LA's culture.

I'm committed to ensuring the work we are undertaking results in meaningful engagement, learning and change. And, I'm committed to ensuring this effort is different—including, as an important example, the creation and support of the DEI Governance Board, a cross-section of First 5 LA colleagues which will serve as the decision-making and coordinating body for our DEI work.

Living into our DEI value will take a commitment of all of us to ensure this becomes different and that change is achieved. Our DEI journey is about all of us, including our Board. And, it will be our individual and collective leadership that shapes culture and allows us to achieve results for child, families, and communities. We look forward to engaging the Board at its October meeting and sharing more about learning, insights and next steps in our ongoing DEI journey.

II. OPTIMIZING OUR ORGANIZATIONAL EFFECTIVENESS

Re-procuring First 5 LA legal services

On August 9, staff issued a [Request for Qualifications](#) to select a contractor to serve as First 5 LA's general counsel providing legal services to the Board of Commissioners, First 5 LA's Leadership Team, and staff. RFQ responses were due August 27, and a panel of staff most familiar with First 5 LA's legal services needs are currently assessing proposals through a multi-level review process. Staff's recommendation will be shared with the Board for consideration during the October Board of Commissioners meeting, with the intention to seek approval to execute a contract with the selected firm in November.

Early in First 5 LA's history, the Board of Commissioners contracted with outside counsel to provide legal services for the organization. The current contract for legal services was approved by the Board in 2016. According to the terms approved by the Board in 2016, First 5 LA is now receiving legal services on a month-to-month basis. During the May 17, 2021 Executive Committee meeting, staff shared the plan to select a contractor to serve as legal counsel for First 5 LA.

Capital Improvement Project Updates

Following the Board's approval of the contract with Dewberry Design-Builders to serve as our contractor for the Capital Improvement Plan (CIP) project at the July Board meeting, a Notice to Proceed was

issued to Dewberry on August 3. The Workplace Management team held a kickoff meeting with Dewberry to formally enter the construction phase in early August. Since then, Dewberry has focused on completing the following key activities: finalizing construction permits, ordering long-lead equipment and completing construction documents required by the City of Los Angeles. The Workplace Management team continues to meet weekly with Dewberry to monitor progress and discuss/resolve any issues if they arise.

Preparing for in-person work in 2022

Since the onset of the pandemic in March 2020, First 5 LA has been a fully remote work organization, and will remain a remote-work organization with limited exceptions (e.g., in-person Board meetings mandated by state law, essential on-site work required for daily operations, etc.) through 2021. Following the completion of the Phase 1 Capital Improvement Project and pending public health guidelines, we anticipate First 5 LA will be able to phase-in on-site and in-person work options for the organization.

To help inform the guidelines for in-person work in the new year, staff completed an organization-wide survey to assess the impact of telework over the past year, and members of the Leadership Team are engaging with their Offices and Teams to ensure First 5 LA's "hybrid work" future meets the organization's work needs, reflects our organization's values, and supports employees. We will continue to engage with employees across the organization through September to inform decisions.

III. ADVANCING PROGRESS TOWARD OUR RESULTS FOR CHILDREN AND FAMILIES

Result 1: Families Have the Resources, Opportunities, and Relationships to Optimize their Child's Development

Supporting Black Breastfeeding Week

In support of the African American Infant and Maternal Mortality (AAIMM) Prevention Initiative's annual campaign to spread awareness of Black Breastfeeding Week, the **Office of Communications** in partnership with the **Health Systems Team** special edition of First 5 LA's Strong Families Strong Kids (SFSK) parent-focused newsletter was issued on August 25. The edition complements the campaign's goals of raising awareness and empowering breast/chestfeeding persons within the Black community. Celebrating its eighth year, AAIMM's campaign consisted of digital and social media, and sharing images taken of Black breast/chestfeeding persons in iconic Los Angeles locations that are well known within the African American community. To help drive campaign awareness, a grassroots effort was led by AAIMM Community Action Teams, and a website hub was developed to host articles about breast/chestfeeding. The SFSK e-newsletter hosted resource videos, helpful checklists, lived experience stories from African American mothers, and images intended to help normalize the feeding of babies in public places. The week culminated with a "Breastfeeding Matters Walk" held on Saturday, Aug. 28.

Celebrating Prevention Institute's New National Initiative, "People, Parks, and Power"

The **Communities Team** continues to partner with Prevention Institute to implement the Built Environment Policy Advocacy Fund (BEPAF), launched in 2019. Prevention Institute, supported with funding by The Robert Wood Johnson Foundation, launched the "People, Parks, and Power" initiative to focus on policy and systems changes to increase equitable access to parks and green spaces in low-income communities of color in urban areas across the United States. This funding has potential to increase resources for parks and open space advocacy in the Best Start communities of Los Angeles County -- a direct connection to First 5 LA's Strategic Priority 2 and the "Access to Parks" key result indicator. The increased resources are also an important opportunity to continue strengthening the Link program -- a program to improve parks and open spaces in Best Start communities that is spearheaded by First 5 LA, Resources Legacy Fund, The Rosalinde and Arthur Gilbert Foundation, and The California Wellness Foundation. The Link program is also engaging residents to drive decision making

on parks and open space in three Best Start communities (City of El Monte, Panorama City, Southeast Cities) while developing and strengthening relationships with the municipalities in those regions.

Home Visiting Workforce Diversity Strategies

First 5 LA through the **Family Supports Team** is participating in key efforts that align with Strategic Priority # 1, to strengthen public and community systems, which includes support for the development of a universal home visiting system, as well as First 5 LA's organizational values for equity. As a member of the Los Angeles County Perinatal and Early Childhood Home Visitation Consortium (Consortium), shared efforts are underway to develop and elevate strategies for recruiting and hiring a more diverse home visiting workforce. Throughout the summer, the Consortium combined the efforts of its Best Practices and African-American Workgroups to review past research, including local focus group and survey findings on African American Engagement in home visiting, and develop recommendations for recruitment and hiring strategies, which evolved into a guide for distribution to home visiting providers and leaders. Home visiting programs often identify recruitment and retention of home visitors as one of their most important challenges and a high priority issue. The guide will serve as a critical tool in elevating potential strategies for home visiting providers, as achieving a more diverse workforce helps support the provision of culturally appropriate and high-quality services and helps to reduce health disparities and achieve health equity.

Result 2: Children Receive Early and Timely Developmental Supports and Services

Help Me Grow LA Pathways Year 1 Lessons Learned

July 2021 saw the beginning of a new fiscal year and with that came reflections on the first year of Help Me Grow LA Pathways (Pathways) investment, led by the **Health Systems Team**. This effort focuses on supporting diverse cross-sector community collaboratives to strengthen and expand referral pathways through technology, infrastructure and practice changes to ensure all young children with and at risk of developmental delays are linked to and accessing supportive prevention and intervention services as early as possible. VIVA Social Impact Partners, the Pathways Technical Assistance (TA) Provider, provided a report summarizing work accomplished in Year 1. There were many lessons learned during this initial phase of the work. Many of these lessons revolved around the need for flexibility. Flexibility regarding TA support time, communication styles, and data collection planning given the diversity in participating organizations and community priorities. Another theme was timing and staggering of activities as multiple components of Help Me Grow LA are concurrently being developed. Year 1 offered an opportunity to learn through implementation of each component, and to develop key tools to support the collaboratives in determining their approaches to strengthen referral pathways in their communities. VIVA looks forward to continuing this work in Year 2 through implementation of the TA & Training Plan, including ongoing flexible support, finalization of the Pathways Evaluation Plan, and collection of data to begin measuring progress towards outcomes. We are approaching the Pathways work differently in each community region as each community has its own needs, strengths, and priorities. As part of this, we are in an exploratory phase of engaging Best Start Communities.

Result 4: Children Have High Quality Early Care and Education Experiences.

Kindergarten Readiness Assessment Update

Due to the impact of COVID 19 on schools, school district partners were not able to collect data on Kindergarten Readiness in the 2020-2021 school year as originally planned. As a result, 10 district and community partners are planning to collect data on Kindergarten Readiness this school year, including our new partner Long Beach Unified School District. While all partners are optimistic that it will be feasible to collect data, all are closely monitoring the impact of the pandemic on schools as conditions continue to shift and evolve. The **Early Care and Education Team**, which leads implementation of KRA for First 5 LA, used this past year and the unplanned delay of data collection

to step back and assess the long-term KRA strategy and the capacity of partners across teams in the Center for Child and Family Impact to use KRA data. We continue to work closely with internal and external partners to evaluate this strategy. In addition to data collection, a key project of the Kindergarten Readiness Assessment (KRA) strategy this year is the formation of an advisory body to provide guidance on how communities can use KRA data to address and understand the needs of English Language Learners. Stakeholders have identified a need to develop tools and strategies to ensure the most thoughtful use of KRA results, as well as prevent potential misuse for children who are English Language Learners (ELL). The advisory body is meeting in August and September and will produce guidance to share with partners.

Site Visit with Senator Lena Gonzalez (SD-33)

On August 27, 2021, OGAPP hosted a virtual early learning site visit with Senator Lena Gonzalez (SD-33). The visit was held to elevate the importance of state funding in support of the child care system, and demonstrate how family child care providers allow families the choice of a mixed-delivery system. Sonsole's Family Child Care in the city of South Gate was featured during the visit and provided the Senator an overview of their services, and also described many of the obstacles they've faced as a result of the COVID-19 pandemic. The visit was co-hosted by the Mexican American Opportunity Fund (MAOF), the Child Care Alliance of LA and Child 360. The visit provided First 5 LA and its partners the opportunity to continue elevating the critical importance of child care to LA County state elected officials.

State and Federal Advocacy Updates

On July 12, 2021 Governor Newsom signed the anticipated 2021-2022 California state budget into law after weeks of negotiation between the legislature and the Newsom Administration. The final budget projects a \$262.6 billion spending plan that includes \$196 billion in general funds, \$25.2 billion in total reserves and also utilizes a total surplus of \$75.7 billion. The state budget went into effect this past July 1, 2021.

For a full analysis of funding for early childhood supports in the state budget, please see attachment (1. Final 2021-22 Budget Memo).

In addition, please see an article authored by Chief Government Affairs Officer Charna Widby in partnership with the **Office of Communications**, discussing First 5 LA's budget advocacy priorities, see attachment (2. Once-in-a-Generation Opportunity to Build More Equitable Family- and Child-Serving Systems).

Through the summer, the **Office of Government Affairs and Public Policy** (OGAPP) is continuing to advocate for state legislative proposals in support of First 5 LA's four results for children. Since the last Board meeting, First 5 LA's following support bills have continued moving forward in the legislative process.

- SB 316 (Eggman), related to same day billing for federally Qualified Health Centers and Rural Health Centers, which would allow Medi-Cal to reimburse Federally Qualified Health Clinics (FQHCs) and Rural Health Clinics (RHCs) for two services when a patient receives a medical visit and mental health or dental visit on the same day at the same clinic location. Status: Assembly Appropriations Committee (Suspense Calendar)
- SB 246 (Leyva), related to reimbursement rates, which would replace the current bifurcated, unaligned reimbursement system with the Child Care Stabilization Formula, a single, regionalized state reimbursement rate for child care, preschool, and early learning services. Status: Assembly Appropriations Committee (proposal was included in final state budget)
- AB 92 (Reyes), related to child care family fees, which would establish a more equitable sliding scale for family fees. Status: Senate Appropriations Committee (proposal was included in final state budget)

The following support bill has been placed on suspense file and expected to become a “two-year” bill that we will be following closely through next year’s legislative session:

- AB 123 (Gonzalez), related to Paid Family Leave, which would increase wage replacement provided by the California Paid Family Leave Program to 90 percent of a new parent’s wages, up from the current level of between 60 and 70 percent of earnings. Status: Senate Appropriations Committee (Suspense File)

For the full advocacy agenda, see attachment (3. First 5 LA 2021 Advocacy Agenda).

On July 20, 2021, OGAPP met virtually with the office of Rep. Alan Lowenthal (CA-47) for an introductory virtual meeting with his new staff responsible for the early childhood portfolio. OGAPP discussed First 5 LA’s federal early childhood priorities and the work of Best Start in the Congressman’s district. As a part of OGAPP’s government affairs strategy, continued cultivation among LA County elected Officials provides First 5 LA the opportunity to elevate the importance of early childhood development with new legislative staff.

On August 17, 2021 Government Affairs Strategist Anais Duran attended a virtual town hall hosted by Rep. Linda Sánchez (CA-38). The Congresswoman serves on the House Ways and Means Committee, which plays a critical role in early childhood programs and supports. Anais asked Rep. Sánchez about how children and families were going to continue being prioritized in current proposed infrastructure legislation being debated by Congress. The Congresswoman highlighted the importance of early childhood investments and the need to continue prioritizing children and families as the legislation moves along the legislative process. Attendance at these town halls serves as an opportunity for First 5 LA to continue engaging and cultivating deeper relationships with LA County elected officials that have been early childhood leaders in their respective positions.

On August 30, 2021, OGAPP met virtually with the office of LA City Councilmember Monica Rodriguez (CD-7) for an introductory virtual meeting with staff responsible for the early childhood portfolio. OGAPP provided an overview of First 5 LA’s strategic priorities and the org-wide Policy Agenda. Rodriguez is a member of the Council Budget and Finance Committee, and is a co-author of LA City Council File: 20-1428, related to universal child care. OGAPP will continue to educate and cultivate members of the LA City Council in support of strengthening systems of support for children and families in the City of LA.

IV. CONTRACTS AND SPONSORSHIPS EXECUTED LEVERAGING EXECUTIVE DIRECTOR DELEGATION AUTHORITY

CONTRACTS EXECUTED BETWEEN \$25K-\$75K

Procurement Update Pursuant to the Procurement Policy adopted on February 13, 2014, “The Executive Director (or designee) may approve any contract less than \$75,000 in the aggregate in a fiscal year, and will establish appropriate internal policies and controls for those awards. Copies of contracts executed in the amount of \$25,000 or more and up to \$75,000 within a fiscal year will be provided to the Commission during the course of its normal business and be provided as informational items.” The following contracts were executed between June 1, 2021, and July 12, 2021. Copies of the executed contracts can be found here: <https://www.first5la.org/ed-report-agreement-september-21>

#10124 UNIVERSAL PROTECTION SERVICE, LP – Contract Amount: \$74,182 Contract Period: 7/1/2021 – 6/20/2022

First 5 LA has needs for unarmed security guard services for its offices. Security services will ensure appropriate response to medical emergencies and physical breaches to the building. The security guard will be on-site from Monday through Friday from 9am-5pm until the end of 2021 and adapt its schedule to Monday through Friday from 11am to 7pm after the organization returns to the building. The security guard will also adjust coverage to 6:30am-4:30pm during the construction period for the

Capital Improvement Plan (CIP) project. The funds will be paid from the Facilities line item of the FY 21-22 operating budget for the regular shift coverage. Funds will be paid from the Capital Improvement Fund for the overtime coverage during construction. The contract will renew annually at First 5LA's sole discretion for a total project term of 4 years and 10 months—FY21-22 is Year 4 of the project term.

#10297 DUANE C. DENNIS – Contract Amount: \$74,999

Contract Period: 7/1/2021 – 6/30/2022

Mr. Dennis will serve as an expert consultant for Home-Based Care specifically Family, Friend, and Neighbor (FFN) and Family Child Care (FCC) in Los Angeles County. He will assist F5LA to build a better understanding of home-based care among staff as the Center for Child & Family Impact (CCFI) begins the integration & alignment process of workplans. Additionally, he will provide thought partnership on the development of the Home-based care strategy which will also include technical assistance to the ECE team in the design, launch and training of the ECE Advisory Group (providers & parents). Funds for FY 2021-22 are included in the First 5 LA Programmatic Budget under FFN Landscape which was approved by the Board of Commissioners on June 10, 2021.

#10301 GARY RESNICK, PH.D. – Contract Amount: \$74,000

Contract Period: 7/1/2021 – 6/30/2022

In FY21-22, the Annual Reporting Consultant will (1) implement the annual reporting process, including preparation and training, the collection and analysis of grantee data, development of an annual reporting codebook, and the submission of the reported data to the First 5 LA Board of Commissioners and First 5 California annual reporting online system; (2) develop an L.A. County Data Dissemination Product, such as a data brief, in collaboration with First 5 LA's Communications Team and a graphic design consultant; and (3) compile qualitative annual report responses to support First 5 LA's use of stories in communications work.

SPONSORSHIPS

On August 11, 2021 First 5 LA sponsored Northeast Valley Health Corporation's (NEVHC) virtual healthcare roundtable featuring Rep. Tony Cárdenas (CA-29) and LA City Council President Nury Martinez (CD-6). Northeast Valley Health Corporation's mission (NEVHC) is to provide quality, safe and comprehensive primary healthcare to medically underserved residents of Los Angeles County, particularly in the San Fernando and Santa Clarita Valleys, in a manner that is sensitive to the economic, social, cultural and linguistic needs of the community. The roundtable included discussions about their critical community support during COVID-19 and their path to addressing the factors that disproportionately impact the local valley regions. Aside from branding opportunities, this sponsorship allowed First 5 LA the opportunity to continue collaborating with federal and state elected officials, community partners, and healthcare industry leaders to address regional community health needs in LA County.

On August 12, 2021 First 5 LA sponsored the Los Angeles County Business Federation's (BizFed) Freshman Policymaker Virtual Reception. BizFed is a network across LA County that works to strengthen the voice of more than 400,000 employers. BizFed regularly engages policymakers at the local, state, and federal levels of government, and is spearheaded each year by their Freshman Policymaker Reception that recognizes all newly elected officials in the LA County region. The virtual event featured over 55 confirmed policymakers and over 300 participants. This sponsorship helped strengthen the current relationship First 5 LA has with BizFed and helped amplify and build brand awareness among LA County business and legislative partners in support of the First 5 LA org-wide Policy Agenda.

Memo

To: First 5 LA Leadership Team

From: Office of Government Affairs and Public Policy

Date: July 14, 2021

Subject: **2021-2022 STATE BUDGET AGREEMENT**

On July 12, 2021, Governor Newsom signed the 2021-2022 California state budget into law. The final budget projects a \$262.6 billion spending plan that includes \$196 billion in general funds and features \$25.2 billion in total reserves. The budget also utilizes a total surplus of \$75.7 billion. The state budget goes into effect immediately, as July 1 represented the start of California's new fiscal year.

The finalized budget agreement comes after weeks of intense negotiation between legislative leadership, Budget committee chairs and the Newsom Administration. Specially, following publication of the governor's May Revise, the Senate and Assembly released their own joint budget framework, which served as the Legislature's version of the 2021-2022 state budget. Forgoing traditional procedures, the state Assembly and Legislature did not pass individual budgets and then convene a conference committee to reconcile any differences, and instead agreed to a joint framework. The two houses then passed their budget one day prior to the Constitutionally mandated June 15 deadline.

During subsequent discussions with the Newsom Administration, Legislative leaders disagreed with the Department of Finance on the forecasted state revenue totals, as well as statutory requirements related to the state's appropriation threshold, known as the Gann Limit, stalling an overall agreement. Reimbursement rate increases for child care providers also emerged as one of the most significant points of negotiation between lawmakers and Governor Newsom. These issues helped delay ratification of the final state budget beyond June 30, the first time in more than 10 years this has occurred. Furthermore, the Legislature will continue passing budget trailer bills, which include more detail on appropriations and contain authorizing language for certain funding items, throughout the coming weeks. Office of Government Affairs and Public Policy (OGAPP) will continue to monitor and update analysis as the process continues.

Examining those proposals related First 5 LA priorities that varied within the May Revise and Legislative budget frameworks is instructive for how the negotiations unfolded:

- *Provider Rate Increases*: Reimbursement rate increases for early learning providers was a significant hurdle for lawmakers and the administration towards achieving an agreement on the budget. While the May Revise did not address reimbursement rates, the Legislature proposed \$1.1 billion to implement Child Care Rate Reform for child care and state preschool programs. Lawmakers intended this money to help compensate

early learning providers more adequately, especially after the additional costs incurred due to continued health and safety regulations in response to the COVID-19 pandemic. In hopes of restoring and supporting the early care and education workforce and mixed delivery system, the final budget contains a number of changes regarding provider reimbursement rates, including: increasing all child care and preschool program rates to the 75th percentile of their county 2018 Regional Market Rate (RMR), raising all school-based preschool program rates to the 75th percentile of their county 2018 RMR (supported by \$234 million in Proposition 98 General Fund in 2021-22 and \$468 million on-going), and providing \$289 million federal funds, \$289 million General Fund, and \$67.7 million Proposition 98 one-time funding as supplemental rate payments to all child care and preschool providers. Lastly, the final budget ratifies the Child Care Providers United contracts, which includes, among other provisions, rate increases, provider stipends and supplemental payments, pandemic flexibilities, and mental health supports.

- *Child Care Rate Reform*: Increasing reimbursement rates to child care providers is an important step toward fully supporting the early learning field, however, crucial systems reform is needed to reach pay equity across the state's mixed delivery system and adequate compensation that reflects the true cost of care for infants and toddlers. So long as California upholds a two-rate structure, it will continue to perpetuate disparate wages for child care providers—particularly those serving in high need communities. The final budget calls out adopting Rate Reform policy for all child care programs, which will seek to create set rate targets for a single rate system beginning 2023. Additionally, AB 131 (Committee on Budget) seeks to establish a Rate Reform workgroup, convened by the Department of Social Services, to inform the Joint Labor Management Committee recommendations on creating a single reimbursement rate system. Creating an equitable and adequate reimbursement system is a key advocacy priority for First 5 LA. As such, OGAPP will continue to also urge for the passage of SB 246 (Leyva), legislation that features critical reforms to the state's child care rate reimbursement system toward creating a more just system of compensation.
- *Child Care Seats*: The Legislature proposed 100,000 child care seats beyond those the May Revise sought to fund. Following negotiations, the final budget includes 200,000 new child care spaces in Alternative Payment, General Child Care, Migrant Child Care, and bridge program for foster children program while prioritizing on-going vouchers for essential workers currently receiving short-term help due to the pandemic. The state will increase spaces by 120,000 during the 2021-22 year and will phase in an additional 80,000 over the next four years. While this number of new seats will help some families find needed child care resources, it is still wholly insufficient. First 5 LA, in close partnership with the Early Care and Education (ECE) Coalition will continue to prioritize increased child care spaces due to the significant need families face across the state each year.
- *Universal Transitional Kindergarten*: The governor's May Revise proposed spending approximately \$900 million General Fund in 2022-23 to begin a phase-in approach to Universal Transitional Kindergarten (UTK), growing that funding to \$2.7 billion in 2024-2025. The Legislature proposed a one-year delay to implementation compared to the May Revise, opening UTK to all families with young children in 2025-2026. Following negotiations, the final budget adopts UTK as part of a mixed delivery system and approved the one-year delay for implementation by phasing in expanded age eligibility to full implementation by 2025-26. *Other UTK pieces include*

- Re-benching the Proposition 98 Guarantee to provide ongoing funding for TK expansion of approximately \$2.7 billion at full implementation.
- Requiring quality standards for TK including full school-day instructional minutes, 1:12 staff to student ratio by 22-23, and 1:10 staff to student ratio by 23-23, subject to future Budget appropriations.
- \$300 million in one-time Proposition 98 for planning and implementation grants to support the preparation of preschool, transitional kindergarten, kindergarten teachers, and support professional development in providing instruction in inclusive classrooms, support for English language learners, social-emotional learning, trauma-informed practices, restorative practices, and mitigating implicit biases.
- Up to \$200 million for planning grants for the expansion of Pre-Kindergarten and Kindergarten programs, including transition kindergarten, kindergarten, Head Start, and preschool programs.
- ***Public Health infrastructure:*** The Legislature proposed to provide \$200 million in funding for local health jurisdictions, state public health functions and public health workforce development, as well as an HIV/AIDS prevention program. Broadly, this funding, lawmakers said, would help build more modern and equitable public health infrastructure in California, important after the COVID-19 pandemic exposed how insufficient the current system is. Public Health advocates also lobbied intensely for inclusion of direct funding to the state’s public health systems and infrastructure, which they felt the May Revise failed to prioritize. Following negotiations, the final budget includes appropriations above even the Legislature’s proposal, as the state will spend \$300 million on-going, starting in 2022-2023, to address public health infrastructure needs and health equity.
- ***Food for All:*** The Legislature proposed to expand eligibility for state-funded nutritional benefits to undocumented residents. Californians without legal status are otherwise unable to access CalFresh, California’s Supplemental Nutrition Assistance Program (SNAP), which is especially concerning as rates of food insecurity have increased significantly during the pandemic. The May Revise did not feature such a proposal. Following negotiations, the final state budget does expand state-funded nutrition benefits to those currently ineligible for CalFresh or the California Food Assistance Program solely due to immigration status. Automation changes to the program are set to begin immediately, with focused enrollments beginning in 2023-2024. Determinations of who will be able to enroll during this initial period will occur closer to the implementation date.
- ***CalWORKs Home Visiting Program:*** The Legislature proposed to reinstate \$30 million in “ramp-up” funding for the program this year, which the governor proposed to eliminate, and restore previously made funding reductions. Even with the overarching budget agreement, specific trailer bill language will continue to release over the next week, providing the full range of detail on all funded items. As such, we expect more information on CalWORKs Home Visiting funding soon. Protecting the CalWORKs home visiting program from budget cuts has been a significant First 5 LA policy priority, and was a key focus of Advocacy Day meetings with legislators and their staffs, as well advocacy to the Newsom Administration.
- ***Telehealth:*** The Legislature proposed to adopt trailer bill language that aligns with AB 32 (Aguiar-Curry), which would permanently continue payment parity between audio-only and virtual services, as has occurred during the declared public health emergency (PHE)

due to COVID-19. The May Revise, however, based on recommendations from the Department of Health Care Services, proposed to reimburse audio-only telehealth services at 65 percent of the fee-for-service rate. Negotiators could not come to a long-term agreement, with the final budget extending pandemic related telehealth flexibilities through December 31, 2022. The Department of Health Care Services must also convene an advisory group to provide recommendations for establishing and adopting telehealth policies that increase access and reduce disparities.

- ***Paid Family Leave***: Families participating in California's Paid Family Leave (PFL) Program currently receive 60 to 70 of the wages they earn when they take time-off from work to care for a new child. However, that level of wage replacement was set to drop this year, to 55 percent, due to the expiration of previously passed legislation. In response, the Legislature's budget proposed to maintain the current level of wage replacement for one additional year, while the May Revise did not feature any measures related to family leave policies. The final state budget does in fact extend the current wage replacement's sunset date by one additional year.

The final 2021-2022 state budget also includes funding for the following First 5 LA priorities:

Children have high quality early care and education experiences before kindergarten

The state budget includes:

- \$250 million (\$150 million in one-time General Fund and \$100 million in one-time federal stimulus funds) for the **construction and renovation of child care facilities**. With the record number of facilities that have closed due to the impacts of COVID-19, this investment is a step toward ensuring an equitable recovery for the early learning field. It will also help improve access to early care and education resources for families as parents return to work. Despite this investment, though, more support is necessary, especially given the facilities crisis that California faced even prior to the pandemic, a crisis that COVID-19 has exacerbated. Additional facilities will also be necessary due to the funded increase in child care slots.
- \$645.7 total funds (\$289 million federal funds, \$289 million General Fund, and \$67.7 million one-time Proposition 98 funding) for **rate payments to all child care and preschool providers** to supplement the proposed increase of provider rates to the 75th percentile of their county's 2018 regional market rate.
- \$10 million on-going federal funds for **Resource & Referral agencies (R&R)** to strengthen their capacity and networks. This investment comes after R&R's demonstrated their critical role in supporting young children and families, as well as child care providers, throughout the pandemic.
- \$42.048 million on-going General Fund and federal funds for the **transition from the California Department of Education to the Department of Social Services** to administer early learning, child care, and nutrition programs. Planning for this began more than a year ago, and the transition itself officially launched July 1, 2021.
- \$4.8 million in one-time **Child Care and Development Grant quality funds** for the planning and initial implementation of a child care data system. The final budget also includes requirements for a unique child identifier compatible with the Cradle to Career data system.

- \$15 million one-time General Fund to **modernize payment options for contracted child care and preschool programs**. This funding will support child care providers' ability to use direct deposit, electronically transfer funds, and receive payments.
- Waives child care **family fees** for the 2021-2022 Budget Year. Family fees has been waived since the start of the pandemic. First 5 LA has an official support position on AB 92 (Reyes) which would continue waiving family fees until 2023 while developing an equitable fee schedule for families.
- A variety of one-time investments to stabilize providers growing out of the pandemic, including **stipends and hold harmless policies**.

Children receive early developmental supports and services, and are safe from abuse, neglect, and other trauma

The state budget includes:

- \$800 million to support the addition of **dyadic care** services as a Medi-Cal benefit. This new benefit would provide integrated physical and behavioral health screening and services to the whole family, and as a model, has been shown to increase access to preventive care and rates of immunizations for children; improve the coordination of care and maternal mental health; and strengthen child social-emotional health and safety.
- \$25 million in one-time funding to support All Children Thrive, a statewide program to mitigate the effects of **adverse childhood experiences (ACEs)** on children.
- \$222.4 million to support implementation of the **Families First Prevention Services Act (FFPSA)**, representing an additional \$100 million above the May Revise's proposal. Implementation of FFPSA is beginning statewide, including in Los Angeles County, and the program prioritizes resources toward prevention the unnecessary removal of children from their families.
- Eliminates a previously proposed suspension of **Proposition 56 supplemental payments**. As a result, this funding will continue to support incentive payments to providers for conducting development screens and screenings for Adverse Childhood Experiences (ACEs), for example.
- \$2.6 million in 2021-2022 and \$2.5 million annually through 2024-2025 to support the statewide Medi-Cal **Managed Care Plan procurement** effort. First 5 LA has been and will remain engaged throughout the procurement process, calling on the Department of Health Care Services to prioritize children's health and health equity when awarding and implementing new Medi-Cal contracts.

Families optimize their child's development

The state budget includes:

- Approval of the May Revise's proposal to **extend Medi-Cal eligibility for post-partum individuals from 60 days to 12-months**. Continuous health care coverage is essential for avoiding disruptions in care, particularly as one-third of all maternal deaths occur one week to one year after a pregnancy ends, and one in seven women experience symptoms of postpartum depression in the year after giving birth.
- \$35 million one-time General Fund to create a statewide **Universal Basic Income pilot**, in alignment with the May Revise's proposal, but now with additional language emphasizing the need to specifically support foster youth as part of the pilot.

- Annual funding to add **Doula services** as a covered benefit in the Medi-Cal program, as well as to add **Community Health Workers** to the class of health workers who are able to provide benefits and services to Medi-Cal beneficiaries, both effective January 1, 2022. These providers are important to making language- and culturally appropriate care available to families served by Medi-Cal, and First 5 LA advocacy has regularly promoted the need for greater family access to them.
- \$142.9 million to increase the **maximum level of CalWORKs cash grants** by 5.3 percent; and \$10 million in 2021-2022 and \$17 million in 2022-2023 and on-going, to increase monthly **CalWORKs pregnancy supplement aid** from \$47 to \$100.
- \$260 million in on-going funds for **Special Education Early Intervention grants** to increase access to evidence-based early intervention services for infant and toddlers, as well as preschool aged children.
- \$1.6 billion total funds (\$673 million General Fund) in 2021-2022 and \$1.5 billion total funds (\$746.6 million General Fund) in 2022-2023 to implement **California Advancing and Innovating Medi-Cal (CalAIM)** reforms, approving the May Revisé's proposal. The final budget also features technical, programmatic changes to CalAIM, such as requiring a workgroup to develop strategies for improving data collection and enrollee demographic information.
- Several appropriations related to improving health equity:
 - \$296,000 in 2021-2022 and \$278,000 on-going, for the Department of Managed Health Care to **establish and enforce health equity standards**.
 - \$500,000 in grants for community-based organizations to support **mental health equity programs**, in partnership with county behavioral health departments.
 - A **post-COVID equity analysis**, to understand the intersections of COVID-19 and health disparities, as well as recommend strategies to address identified inequities.
 - An **Equity Dashboard** at the Department of Health Care Services, which will report on health disparities and progress toward closing them.
 - A **Health Equity and Quality Committee**, under direction of the Department of Health Care Access and Information, that will make recommendations for standard health equity measures, particularly to assess equity and quality in the state's delivery of health care. The budget would also require determinations of health plan compliance with health equity measures, and beginning in 2025, the publication of an annual report on California's progress toward achieving equity in health.
- Several appropriations related to improving services at Regional Centers and Individuals with Disabilities Education Act (IDEA) early intervention services:
 - \$2.9 million to provide **implicit bias trainings for Regional Center staff**.
 - \$61.8 million on-going, starting in 2022-2023, to **enhance service coordinator ratios** at the state's Regional Centers.
 - \$10 million on-going to support **language access and cultural competency at Regional Centers**, including culturally sensitive outreach efforts and translation services for families who are non-English speaking.
 - Require the Department of Social Services to establish a **community navigator program** that would promote the utilization of Regional Center services.

- Require the Department of Social Services to convene a workgroup that will make recommendations for developing standard **improvement indicators and benchmarks** to ensure high-quality services at Regional Centers.
- The governor's May Revise proposed to convene stakeholders in order to discuss data sharing and best practices for improving the transition between IDEA Part C and Part B. Children receive early intervention services through IDEA Part C services at Regional Centers, until the age of 3-years old when they transition to services provided by school districts through IDEA Part B. However, children may fall out of the system during this transition, whether due to miscommunications between local education agencies (LEAs) and Regional Centers, or even because a child's third birthday fall in the summer when schools are not in session. The Legislature decided to reject this proposal, saying it was duplicative existing efforts, and as a result, the final budget did not fund the governor's proposal for an IDEA transition workgroup.

Priorities aligned with First 5 LA's long-term systems outcomes, LA County regional priorities, and Best Start Community Change agendas

The state budget includes:

- \$8.1 billion total funding to provide a second round of direct financial supports through the **Golden State Stimulus** program. All individuals earning incomes below \$75,000 will receive payments of \$600, with families with young children receiving an additional \$500. Finally, those filing income taxes with an Individual Taxpayer Identification Number (ITIN), most commonly undocumented California residents will receive an additional \$500. As such, families with young children can receive up to \$1,110 in direct payments.
- \$80 million American Rescue Plan Act federal funds, over three years, to support legal aid services that will help **renters and homeowners avoid eviction and foreclosure**.
- \$12 billion in new funding for **homelessness programs** over the next years. Funding includes \$1 billion in support for local governments to address homelessness for both 2021-2022 and 2022-2023, with additional years upon appropriation. This is the first multi-year commitment made by the state, and features oversight and accountability to ensure the funds are put to work to successfully alleviate homelessness. The budget also appropriates more than \$4 billion over two years for various programs operated out of the Department of Social Services. These programs support California's most vulnerable, including seniors in poverty at risk of abuse and neglect, families with children, and children and guardians in the child welfare system.
- Launches the **Universal School Meals Program**, with a \$54 million in the 2021-22 increase in state meal reimbursement and \$650 million ongoing Proposition 98 funding beginning in 2022-23, to cover the costs of offering breakfast and lunch for all students.
- \$6 billion over a multi-year period to construct **broadband infrastructure** and improve access to broadband services throughout the state, including \$3.75 billion for "middle-mile" infrastructure in unserved communities. Negotiators are continuing to work through funding details but have ensured the inclusion of administrative flexibilities that will enable the accelerated spending of these funds, to ensure they are available as necessary to expand and improve services.

With their agreement on the final state budget, the Legislature and Newsom Administration have now concluded all planned budget negotiations for 2021-2022. However, California is receiving approximately \$27 billion in direct federal resources through the American Rescue Plan, in two tranches, one that arrived at the end of June and the other to come next year. As such, “budget junior” bills that spend this funding may be necessary, with development of these most likely occurring later this summer or into the fall. Furthermore, even with most budgetary decisions now complete, additional trailer bills, authorizing language and budget bills could materialize throughout the rest of the legislative session, which will end on September 15. OGAPP, together with California Strategies, our state advocates in Sacramento; the statewide network of First 5s, as well as the First 5 Association and First 5 California; grantees; community leaders through Best Start; and other advocacy partners, will remain ready to advocate for the needs of young children and their families. First 5 LA will also continue working with state and local partners to support implementation of relevant state budget items.

As of June 15, California lifted almost all pandemic related restrictions on businesses, and independent analysis predicts the state’s economy will continue to recover some of the millions of jobs lost due to economic shutdowns. Unemployment though, which rose significantly during the pandemic, will likely remain elevated in the near-term, particularly in Los Angeles County, and while California has for now largely defied early expectations of a devastating and long-lasting period of deficits resulting from COVID-related disruptions, a recession could occur as soon as 2024, according to the Legislative Analyst’s Office. Finally, even as the direct public health crisis from COVID-19 lessens due to the state’s relatively high vaccination rate, though with the caveat that the Delta variant could still stall or reverse progress, Californians, especially families and communities of color most impacted by the pandemic, will continue to face heightened economic instability and housing and food insecurities due to an uneven recovery. Pre-existing discrimination and racism woven within institutions and structures across society will only compound these challenges.

While investments made through the 2021-2022 state budget will undoubtedly benefit young children and their families, the budget largely provides these funds to individual services, programs and supports that are often disconnected or difficult to navigate and utilize independently. If families cannot easily or readily access or receive supports, the funding itself becomes much less material. As such, our focus on budget implementation will be especially important this year.

Due to the state’s strong financial situation, California has a once-in-a-generation opportunity to build more effective systems, invest in families, and support our youngest children. First 5 LA, with OGAPP as the lead entity, will continue to help policymakers connect the dots between disparate funding streams and priorities, and in the process, help build more seamless and integrated care infrastructure that holistically supports children and families. Overall, policy and systems change that help strengthen families have never been more urgent, due to COVID-19’s lasting impacts, or more feasible, due to the state’s budget surplus. With a unique ability to both advocate for investments in family-serving systems, and support implementation of state budget items to ensure those systems work most effectively, First 5 LA will play a crucial role as the state reopens, vaccination efforts continue and recovery from the pandemic begins.

A ONCE-IN-A-GENERATION OPPORTUNITY TO BUILD MORE EQUITABLE FAMILY- AND CHILD-SERVING SYSTEMS: AN ANALYSIS OF THE 2021-2022 STATE BUDGET

Charna Widby | First 5 LA Chief Governmental Affairs Office, Office of Governmental Affairs and Public Policy

July 29, 2021

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After weeks of intense negotiation between legislative leadership, Budget committee chairs and the Newsom administration, the 2021-2022 California state budget was signed into law on July 12. With a projected \$262.6 billion spending plan that includes \$196 billion in general funds, \$25.2 billion in total reserves and a total surplus of \$75.7 billion, the budget provides a once-in-a-generation opportunity to invest in California kids and families at a time when it is most urgently needed.

Negotiations over the 2021-2022 state budget marked a unique moment in the state's recent legislative history, with final ratification of the budget coming almost a month after the constitutional deadline — an event that hasn't occurred in 10 years. Because of this delay, the budget passed on July 12 will go into effect immediately, as July 1 marked the start of California's fiscal year.

After the publication of Newsom's May Revise, the Senate and Assembly released their own joint budget framework that served as the Legislature's version of the 2021-2022 state budget. Forgoing traditional procedures, the state Assembly and Senate did not pass individual budgets and then convene a conference committee to reconcile any differences, but instead agreed to the joint framework. The two houses then passed a budget one day prior to the constitutionally mandated June 15 deadline, allowing negotiation details to continue into July.

At the heart of the disagreements, legislative leaders differed with the Department of Finance on the forecasted state revenue totals as well as statutory requirements related to the state's appropriation threshold, known as the Gann Limit. Reimbursement rate increases for child care providers also emerged as one of the more significant points of negotiation between lawmakers and Newsom, all of which contributed to the delay in ratification.

With their agreement on the final state budget, the Legislature and Newsom administration have now concluded all planned budget negotiations for 2021-2022. However, California is receiving approximately \$27 billion in direct federal resources through the American Rescue Plan in two portions; one arrived at the end of June, and the other is slated to come next year. As such, "budget junior" bills that spend this funding may be necessary, with the development of these most likely occurring later this summer or into the fall. Furthermore, even with most budgetary decisions now complete, additional trailer bills, authorizing language and budget bills could materialize throughout the rest of the legislative session, which will end on September 15.

Examining those proposals related to First 5 LA priorities that varied within the May Revise and Legislative budget frameworks is helpful in understanding how the negotiations unfolded:

Provider Rate Increases: Reimbursement rate increases for early learning providers were a significant hurdle for lawmakers and the administration toward achieving an agreement on the budget. While the May Revise did not address reimbursement rates, the Legislature proposed \$1.1 billion to implement

Child Care Rate Reform for child care and state preschool programs. Lawmakers intended this money to help compensate early learning providers more adequately, especially after the additional costs incurred in response to the COVID-19 pandemic. In hopes of restoring and supporting the early care and education (ECE) workforce and mixed delivery system, the final budget contains a number of changes regarding provider reimbursement rates, including increasing all child care and preschool program rates to the 75th percentile of their county 2018 Regional Market Rate (RMR); raising all school-based preschool program rates to the 75th percentile of their county 2018 RMR (supported by \$234 million in Proposition 98 General Fund in 2021-22 and \$468 million ongoing); and providing \$289 million in federal funds, \$289 million General Fund, and \$67.7 million in Proposition 98 one-time funding as supplemental rate payments to all child care and preschool providers. Lastly, the final budget ratifies the Child Care Providers United contracts, which includes — among other provisions — rate increases, provider stipends and supplemental payments, pandemic flexibilities, and mental health supports.

Child Care Rate Reform: Increasing reimbursement rates to child care providers is an important step toward fully supporting the early learning field. However, crucial systems reform is needed to reach pay equity across the state’s mixed delivery system, with adequate compensation that reflects the true cost of care for infants and toddlers. So long as California upholds a two-rate structure, it will continue to perpetuate disparate wages for child care providers — particularly those serving in high-need communities. The final budget calls out adopting Rate Reform policy for all child care programs that will seek to create set rate targets for a single rate system beginning 2023. Additionally, budget trailer bill AB 131 (Committee on Budget) seeks to establish a Rate Reform workgroup, convened by the Department of Social Services, to inform the Joint Labor Management Committee recommendations on creating a single reimbursement rate system. Creating an equitable and adequate reimbursement system is a key advocacy priority for First 5 LA, which will also urge for the passage of SB 246 (Leyva), legislation that features critical reforms to the state’s child care rate reimbursement system toward creating a more just system of compensation.

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Universal Transitional Kindergarten: Newsom’s May Revise proposed spending approximately \$900 million (General Fund) in 2022-23 to begin a phase-in approach to Universal Transitional Kindergarten (UTK), growing that funding to \$2.7 billion in 2024-2025. The Legislature proposed a one-year delay to implementation compared to the May Revise, opening UTK to all families with young children in 2025-2026. Following negotiations, the final budget adopted UTK as part of a mixed delivery system and approved the one-year delay for implementation by phasing in expanded age eligibility to full implementation by 2025-26. Other UTK pieces include:

Re-benching the Proposition 98 Guarantee to provide ongoing funding for transitional kindergarten expansion of approximately \$2.7 billion at full implementation.

Requiring quality standards for transitional kindergarten, including full school-day instructional minutes, 1:12 staff to student ratio by 2022-23, and 1:10 staff to student ratio by 2023-24, subject to future Budget appropriations.

Providing \$300 million in one-time Proposition 98 for planning and implementation grants to support the preparation of preschool, transitional kindergarten and kindergarten teachers, and to support professional development in providing instruction in inclusive classrooms, support for English language learners, social-emotional learning, trauma-informed practices, restorative practices and implicit bias training.

Providing up to \$200 million for planning grants for the expansion of pre-kindergarten and kindergarten programs, including transitional kindergarten, kindergarten, Head Start and preschool programs.

Public Health infrastructure: The Legislature proposed to provide \$200 million in funding for local health jurisdictions, state public health functions and public health workforce development, as well as funding for an HIV/AIDS prevention program. Broadly, this funding, lawmakers said, would help build more modern and equitable public health infrastructure in California, which is particularly important after the COVID-19 pandemic exposed the insufficiencies of the current system. Public health advocates also lobbied intensely for the inclusion of direct funding to the state's public health systems and infrastructure, which they felt the May Revise failed to prioritize. Following negotiations, the final budget includes appropriations above even the Legislature's proposal, as the state will spend \$300 million ongoing, starting in 2022-2023, to address public health infrastructure needs and health equity.

Food for All: The Legislature proposed to expand eligibility for state-funded nutritional benefits to undocumented residents. Californians without legal status are otherwise unable to access CalFresh, California's Supplemental Nutrition Assistance Program (SNAP), which is especially concerning as rates of food insecurity have increased significantly during the pandemic. The May Revise did not feature such a proposal. Following negotiations, the final state budget does expand state-funded nutrition benefits to those currently ineligible for CalFresh or the California Food Assistance Program solely due to immigration status. Automation changes to the program are set to begin immediately, with focused enrollments beginning in 2023-2024. Determinations of who will be able to enroll during this initial period will occur closer to the implementation date.

CalWORKs Home Visiting Program: The Legislature proposed to reinstate \$30 million in "ramp-up" funding for the program this year, which the governor proposed to eliminate, and restore previously made funding reductions. Ultimately, the final budget included \$69.1 million in funding for the CalWORKs Home Visiting Program. Strengthening this program has been and will continue to be a significant First 5 LA policy priority; the program was, for example, a key focus of Advocacy Day meetings with legislators and their staff members, as well advocacy efforts focused on the Newsom administration.

Telehealth: The Legislature proposed to adopt trailer bill language that aligns with AB 32 (Aguiar-Curry), which would permanently continue payment parity between audio-only and virtual services, as has occurred during the declared public health emergency due to COVID-19. However, based on recommendations from the Department of Health Care Services, the May Revise proposed to reimburse audio-only telehealth services at 65 percent of the fee-for-service rate. Negotiators ultimately could not come to a long-term agreement, with the final budget extending pandemic-related telehealth

flexibilities through December 31, 2022. The Department of Health Care Services must also convene an advisory group to provide recommendations for establishing and adopting telehealth policies that increase access and reduce disparities.

Paid Family Leave: Families participating in California’s Paid Family Leave Program currently receive 60 to 70 percent of the wages they typically earn when they take time off from work to care for a new child. However, that level of wage replacement was set to drop this year to 55 percent due to the expiration of previously passed legislation. In response, the Legislature’s budget proposed to maintain the current level of wage replacement for one additional year, while the May Revise did not feature any measures related to family leave policies. The final state budget does, in fact, extend the current wage replacement’s sunset date by one additional year.

The final 2021-2022 state budget also includes funding for the following First 5 LA priorities:

Children have high quality early care and education experiences before kindergarten.

The state budget includes:

- \$250 million (\$150 million in one-time General Fund and \$100 million in one-time federal stimulus funds) for the construction and renovation of child care facilities. With the record number of facilities that have closed due to the impacts of COVID-19, this investment is a step toward ensuring an equitable recovery for the early learning field. It will also help improve access to ECE resources for families as parents return to work. Despite this investment, though, more support is necessary, especially given the facilities crisis that California faced even prior to the pandemic. Additional facilities will also be necessary due to the funded increase in child care slots.
- \$645.7 million total funds (\$289 million federal funds, \$289 million General Fund, and \$67.7 million one-time Proposition 98 funding) for rate payments to all child care and preschool providers to supplement the proposed increase of provider rates to the 75th percentile of their county’s 2018 regional market rate.
- \$10 million ongoing federal funds for Resource & Referral agencies (R&R) to strengthen their capacity and networks. This investment comes after R&Rs demonstrated their critical role in supporting young children and families, as well as child care providers, throughout the pandemic.
- \$42.048 million ongoing General Fund and federal funds for the transition of early learning, child care and nutrition programs from the California Department of Education to the Department of Social Services. Planning for this began more than a year ago, and the transition itself officially launched on July 1, 2021.
- \$4.8 million in one-time Child Care and Development Grant quality funds for the planning and initial implementation of a child care data system. The final budget also includes requirements for a unique child identifier compatible with the Cradle to Career data system.
- \$15 million one-time General Fund to modernize payment options for contracted child care and preschool programs. This funding will support child care providers’ ability to use direct deposit, electronically transfer funds and receive payments.
- Waiver of child care family fees for the 2021-2022 Budget Year. Family fees have been waived since the start of the pandemic. First 5 LA has an official support position on AB 92 (Reyes),

which would continue waiving family fees until 2023 while developing an equitable fee schedule for families.

- A variety of one-time investments to stabilize providers growing out of the pandemic, including stipends and hold harmless policies.

Children receive early developmental supports and services, and are safe from abuse, neglect, and other trauma.

The state budget includes:

- \$800 million to support the addition of dyadic care services as a Medi-Cal benefit. This new benefit would provide integrated physical and behavioral health screening and services to the whole family. The dyadic care model has been shown to increase access to preventive care and rates of immunizations for children; improve the coordination of care and maternal mental health; and strengthen child social-emotional health and safety.
- \$25 million in one-time funding to support All Children Thrive, a statewide program to mitigate the effects of adverse childhood experiences (ACEs) on children.
- \$222.4 million to support implementation of the Families First Prevention Services Act (FFPSA), representing an additional \$100 million above the May Revise's proposal. Implementation of FFPSA is beginning statewide, including in L.A. County. The program prioritizes resources toward preventing the unnecessary removal of children from their families.
- Elimination of a previously proposed suspension of Proposition 56 supplemental payments. As a result, this funding will continue to support incentive payments to providers for conducting development screens and screenings for ACEs, for example.
- \$2.6 million in 2021-2022 and \$2.5 million annually through 2024-2025 to support the statewide Medi-Cal Managed Care Plan re-procurement effort. First 5 LA has been and will remain engaged throughout the procurement process, calling on the Department of Health Care Services to prioritize children's health and health equity when awarding and implementing new Medi-Cal contracts.

Families optimize their child's development

The state budget includes:

- Approval of the May Revise's proposal to extend Medi-Cal eligibility for postpartum individuals from 60 days to 12 months. Continuous health care coverage is essential for avoiding disruptions in care, particularly as one-third of all maternal deaths occur one week to one year after a pregnancy ends, and one in seven women experience symptoms of postpartum depression in the year after giving birth.
- \$35 million one-time General Fund to create a statewide Universal Basic Income pilot, in alignment with the May Revise's proposal, but now with additional language emphasizing the need to specifically support foster youth as part of the pilot.
- Annual funding to add doula services as a covered benefit in the Medi-Cal program, as well as to add community health workers to the class of health workers who are able to provide benefits

and services to Medi-Cal beneficiaries, both effective January 1, 2022. These providers are important to making language- and culturally-appropriate care available to families served by Medi-Cal.

- \$142.9 million to increase the maximum level of CalWORKs cash grants by 5.3 percent; and \$10 million in 2021-2022 and \$17 million in 2022-2023 and ongoing, to increase monthly CalWORKs pregnancy supplement aid from \$47 to \$100.
- \$260 million in ongoing funds for Special Education Early Intervention grants to increase access to evidence-based early intervention services for infants and toddlers, as well as preschool-aged children.
- \$1.6 billion total funds (\$673 million General Fund) in 2021-2022 and \$1.5 billion total funds (\$746.6 million General Fund) in 2022-2023 to implement California Advancing and Innovating Medi-Cal (CalAIM) reforms, approving the May Revisé's proposal. The final budget also features technical, programmatic changes to CalAIM, such as requiring a workgroup to develop strategies for improving data collection and enrollee demographic information.
- Several appropriations related to improving health equity:
 - \$296,000 in 2021-2022 and \$278,000 ongoing for the Department of Managed Health Care to establish and enforce health equity standards.
 - \$500,000 in grants for community-based organizations to support mental health equity programs, in partnership with county behavioral health departments.
 - A post-COVID equity analysis to understand the intersections of COVID-19 and health disparities, as well as recommend strategies to address identified inequities.
 - An Equity Dashboard at the Department of Health Care Services, which will report on health disparities and progress toward closing them.
 - A Health Equity and Quality Committee, under the direction of the Department of Health Care Access and Information, that will make recommendations for standard health equity measures, particularly to assess equity and quality in the state's delivery of health care. The budget would also require determinations of health plan compliance with health equity measures, and beginning in 2025, the publication of an annual report on California's progress toward achieving equity in health.
- Several appropriations related to improving services at regional centers and Individuals with Disabilities Education Act (IDEA) early intervention services:
 - \$2.9 million to provide implicit bias trainings for regional center staff.
 - \$61.8 million ongoing, starting in 2022-2023, to enhance service coordinator ratios at the state's regional centers.
 - \$10 million ongoing to support language access and cultural competency at regional centers, including culturally sensitive outreach efforts and translation services for families who are non-English speaking.
- Requirement for the Department of Social Services to establish a community navigator program that would promote the utilization of regional center services.
- Requirement for the Department of Social Services to convene a workgroup that will make recommendations for developing standard improvement indicators and benchmarks to ensure high-quality services at regional centers.

Newsom's May Revise proposed to convene stakeholders in order to discuss data sharing and best practices for improving the transition between IDEA Part C and Part B. Children receive early intervention services through IDEA Part C services at regional centers until age 3, when they transition to services provided by school districts through IDEA Part B. However, children may fall out of the system during this transition, whether due to miscommunication between local education agencies and regional centers or because a child's third birthday falls in the summer when schools are not in session. The Legislature decided to reject this proposal, saying it duplicated existing efforts. As a result, the final budget did not fund the governor's proposal for an IDEA transition workgroup.

Priorities aligned with First 5 LA's long-term systems outcomes, L.A. County regional priorities, and Best Start Community Change agendas.

The state budget includes:

- \$8.1 billion total funding to provide a second round of direct financial supports through the Golden State Stimulus program. All individuals earning incomes below \$75,000 will receive payments of \$600, with families with young children receiving an additional \$500. Finally, those filing income taxes with an Individual Taxpayer Identification Number (ITIN), most commonly undocumented California residents, will receive an additional \$500. As such, families with young children can receive up to \$1,110 in direct payments.
- \$80 million in American Rescue Plan Act federal funds, over three years, to support legal aid services that will help renters and homeowners avoid eviction and foreclosure.
- \$12 billion in new funding for homelessness programs over the next years. Funding includes \$1 billion in support for local governments to address homelessness for both 2021-2022 and 2022-2023, with additional years upon appropriation. This is the first multi-year commitment made by the state and features oversight and accountability to ensure the funds are put to work to successfully alleviate homelessness. The budget also appropriates more than \$4 billion over two years for various programs operated out of the Department of Social Services. These programs support California's most vulnerable, including seniors in poverty at risk of abuse and neglect, families with children, and children and guardians in the child welfare system.
- The launch of the Universal School Meals Program, with a \$54 million increase in state meal reimbursement in 2021-22 and \$650 million ongoing Proposition 98 funding, beginning in 2022-23, to cover the costs of offering breakfast and lunch for all students.
- \$6 billion over a multi-year period to construct broadband infrastructure and improve access to broadband services throughout the state, including \$3.75 billion for "middle-mile" infrastructure in unserved communities. Negotiators are continuing to work through funding details but have ensured the inclusion of administrative flexibilities that will enable the accelerated spending of these funds to ensure they are available as necessary to expand and improve services.

As of June 15, California lifted almost all pandemic-related restrictions on businesses. Independent analysis predicts the state's economy will continue to recover some of the millions of jobs lost due to economic shutdowns. Unemployment will likely remain elevated in the near term, particularly in L.A. County. And while California has for now largely defied early expectations of a devastating and long-lasting period of deficits resulting from COVID-related disruptions, a recession could occur as soon as 2024, according to the Legislative Analyst's Office.

After several months of sustained progress in the fight against COVID-19, new cases and hospitalizations have begun rising statewide and in L.A. County, primarily due to the Delta variant. Californians, especially families and communities of color most impacted by the pandemic, face persistent disparities in vaccination rates and will also continue to experience heightened economic instability and housing and food insecurities due to an uneven economic recovery. Pre-existing discrimination and racism woven within institutions and structures across society will only compound these challenges.

While investments made through the 2021-2022 state budget will undoubtedly benefit young children and their families, the budget largely provides these funds to individual services, programs and supports that are often disconnected or difficult to navigate and utilize independently. If families cannot easily or readily access or receive supports, the funding itself becomes much less material. As such, First 5 LA advocacy will focus on successfully implementing these budget items in order to improve systems and promote a more comprehensive system of family supports, all to advance positive outcomes for the whole child and whole family and promote the optimal development of children.

Due to the state's strong financial situation, California has an unprecedented opportunity to build more effective systems, invest in families and support our youngest children. Overall, policy and systems changes that help strengthen families have never been more urgent due to COVID-19's lasting impacts, or more feasible due to the state's budget surplus. With a unique ability to both advocate for investments in family-serving systems and support implementation of state budget items to ensure those systems work most effectively, First 5 LA will play a crucial role as the state reopens, vaccination efforts continue and recovery from the pandemic begins.

First 5 LA - Advocacy Agenda 2021



Policy Item	Author/Budget Amount	Title & Description
Early Care & Education		
AB 92	Reyes (AD-47) - Grand Terrace	Preschool and Child Care and Development Services: Family Fees: Current law requires the Superintendent of Public Instruction to establish a fee schedule for families using preschool and childcare and development services. Current law exempts certain families from those fees. This bill would declare the intent of the Legislature to enact legislation that would alleviate the burden on low-income families of fees for preschool and childcare and development services.
SB 246	Leyva (SD-20) - Pomona	Early Childhood Education: Reimbursement Rates: This bill would make a number of changes to the reimbursement rate system, including implementing plan that establishes reasonable standards and assigns rates that vary with additional factors, increase rates for license-exempt providers, and would require the CDE and CDSS to create the Quality Counts California Pilot Reimbursement Program intended to allow childcare providers to receive higher reimbursement rates.
Health		
SB 316	Eggman (SD-05) - Stockton	Medi-Cal: Federally Qualified Health Center and Rural Health Clinics: This bill would allow Medi-Cal to reimburse Federally Qualified Health Clinics (FQHCs) and Rural Health Clinics (RHCs) for two services when a patient receives a medical visit and mental health or dental visit on the same day at the same clinic location. A medical visit is a service carried out by a physician, physician assistant, nurse practitioner, certified nurse-midwife, clinical psychologist, licensed clinical social worker, visiting nurse or a comprehensive perinatal practitioner, while a mental health visit is a service from psychiatrist, clinical psychologist, licensed clinical social worker, or marriage and family therapist. Dental care must be provided by a dental hygienist.
Families		

Policy Item	Author/Budget Amount	Title & Description
AB 123	Gonzalez (SD-33) - Long Beach	Paid Family Leave: Weekly Benefit Amount: This bill would revise the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability indemnity weekly benefit amount established by the Department of Industrial Relations.

FIRST 5 LA

SUBJECT: Public Hearing to Act on Proposed Procurement Policy Reforms

BACKGROUND:

The Procurement Reform Project was launched in 2019 to address challenges attributed to the current procurement policy and processes that have resulted in inefficiencies and time-intensive processes, operational issues, and outdated procurement strategies and methods. The project team assessed the current policy and existing processes to address the challenges and learnings from implementation. These recommendations are intended to better align with First 5 LA's strategic direction and values, maximize the best use of the Board's important resource of time and attention, and enable more effective and efficient implementation of the Strategic Plan. This project contributes to First 5 LA's efforts to optimize our effectiveness, one of four strategic priorities in our Strategic Plan. The board last approved the Procurement Policy on Feb. 13, 2014. As required by California Health and Safety Code § 130140, First 5 LA is required to adopt contracting and procurement policies in a public hearing. Staff are recommending changes to the policy which was provided as information at the Board of Commissioners meeting on July 8. Staff are requesting approval of the revised policy at the Board of Commissioners meeting on September 9.

At the July Board of Commissioners meeting, staff shared the guiding principles and summarized the project approach for the Procurement Reform Project. The guiding principles below were developed to inform policy and process recommendations.

Guiding Principles:

- Aligns with mission, values & Strategic Plan
- Improves efficiency
- Clarifies accountabilities
- Aligns with public procurement values
- Promotes consistency
- Complies with legal requirements
- Supports the highest and most strategic use of the Board's time

In the Fall of 2019, Calyptus Consulting Group, Inc. was selected through a competitive solicitation to provide their expertise, share industry best practices, conduct research, and provide project management support. With the support of Calyptus Consulting Group, the project team developed and used the approach described below to inform policy recommendations.

Approach

First 5 LA conducted a spend analysis of all active agreements as of December 16, 2019 which totaled \$155M for 235 agreements. The intent of this evaluation was to determine First 5 LA's spend by method of procurement, procurement exceptions, agreement types, and activity by thresholds. This analysis informed discussions around threshold suitability, need for exceptions, and utilization of procurement methods. The data, broken out by percentage of dollars and agreements, were also used as a comparison to other benchmarked organizations to support the development of the recommendations.

Next, the consultants conducted staff interviews and focus groups. The interviews covered procurement practices, policy-related issues, and other staff pain points. These feedback sessions helped the project team understand staff perceptions, feedback, and areas of focus for improvement.

The next phase of the project involved benchmarking peer organizations. Peer organizations were identified from F5LA interviews and the project team. These include independent First 5 Commissions, other public sector agencies (City, County, State, academic institutions), and foundations. This analysis was also considered in developing final recommendations around thresholds, board approvals, exception types, and other policy components.

Finally, the project team conducted a review of best practices in public procurement. The team reviewed best practices advanced by the National Institute of Governmental Purchasing (NIGP), the National Association of State Procurement Officials (NASPO), and the guidelines provided by the First 5 Association's Financial Management Guide (FMG).

Diversity, Equity and Inclusion (DEI):

With the support of Seed Collaborative, First 5 LA's DEI consultant, Calyptus Consulting Group, and the Office of Equity, Strategy and Learning (OESL), the policy incorporates First 5 LA's commitment to this value. The policy articulates First 5 LA's intent to establish accessible and fair procurement practices. This requires addressing barriers to participation in procurement to make contract opportunities more accessible to all businesses. The strategies and practices to support DEI in procurement will be developed in consultation with OESL and First 5 LA's consultants. The project team will continue to explore Los Angeles County's Preference Program and other emerging practices to test and pilot our implementation efforts. Staff will develop a strategy to collect, monitor, and use data on diversity, equity, and inclusion to inform and adjust procurement procedures to ensure continuous alignment with the stated goals in the policy.

Response to Board Feedback

At the July Board of Commissioners meeting, the board provided feedback on the Procurement Policy. Staff incorporated this feedback into the policy presented for approval today. Staff response to board feedback on some of the more substantive areas of the proposed policy is summarized below.

Staff initially proposed delegation of contracts to the Executive Director above the proposed contracting threshold of \$150,000 during emergencies or when the board is in recess. Although, this was intended to address operational issues with contract approvals, the board advised staff to place additional guardrails for greater accountability and checks and balances. Staff explored various options along with considerations, advantages, and limitations for those options. In doing so, staff narrowed the focus to addressing emergencies and contracts critical to the operations of First 5 LA. Staff recommends that the Executive Director, with concurrence of the Board Chair, approve contracts between \$150,001 and \$300,000 in cases of an emergency as defined by Section V.d, of the policy or when the Board is not in session and an immediate need is identified by the Executive Director as being critical to operations. Examples of these circumstances include natural and manmade disasters, infrastructure and equipment failures, health and security emergencies, cybersecurity or data breaches, or any other unanticipated event that would not allow the organization to perform a critical function. For transparency, these actions will be reported to the board as information at the next meeting. Contracts above \$300,000, under these circumstances, will require a special meeting of the board for immediate approval. This modified recommendation increases the contracting threshold of the ED under very limited circumstances, places a threshold limit, and requires concurrence from the Chair of the board. This will allow First 5 LA to be more responsive to emergencies and critical operational needs when the board is not in session.

The revised policy also incorporated feedback from the Board to require upstream engagement of the Contracts and Purchasing Team (CAP) to allow sufficient time to comply with the policy. The revised policy includes this requirement for all procurements covered under the policy. Additional details on when and how to engage CAP will be specified in the procedures manual. Staff also incorporated board feedback to use clear and understandable language in the policy when referencing the roles of the board, staff, and First 5 LA.

Intended Outcomes

Once the revised policy and process changes are implemented, we anticipate greater efficiencies with procurement activities, more expeditious contracting approvals, an increase in participation and funding of diverse businesses, and an improvement in contractor and grantee experience.

Please refer to Attachment D for a summary of all recommendations. Changes to Attachment D since the July Board meeting can be found in #4 and #10 of the table. The revised policy primarily addresses areas that are non-negotiable (i.e., required by law), change infrequently, have widespread application, and address major operational issues. First 5 LA's existing procedures manual will be revised to support the policy which will include additional detailed processes and activities, roles and responsibilities by task/activity, and address how to operationalize the policy. First 5 LA's procedures manual will serve as the primary source for procurement and contracting related processes.

Attachments

The documents listed below are included as attachments:

Attachment A: Revised Procurement Policy

Attachment B: Current Procurement Policy

Attachment C: Current Appeals Policy (The Appeals Policy has been incorporated into the Revised Procurement Policy).

Attachment D: Summary of recommendations

September 9 Presentation to the Board of Commissioners

NEXT STEPS

Upon approval of the revised Procurement Policy, staff will develop processes and procedures to support implementation of the policy. The project team will develop a plan for phased implementation and staff trainings. First 5 LA's legal counsel will update the bylaws to reflect new thresholds and delegation (under emergencies or critical to operations as described above) in alignment to this policy and seek board for approval of the revised bylaws.

Los Angeles County Children and Families First Proposition 10 Commission

SUBJECT: Procurement Policy	Policy Number:	A-2100
	Effective Date:	October 1, 2021
	Supersedes:	2/13/14, 11/14/13, 11/29/12, 4/12/12, 6/8/06, Appeals Policy 9/13/12
Initiating Authority: Contract Administration and Purchasing	Page	1 of 8

I. PURPOSE

This document establishes a uniform policy for the procurement of goods and services, by the "Los Angeles County Children and Families First – Proposition 10 Commission ("Commission") aka "First 5LA".

II. APPLICATION

This policy applies to all First 5 LA employees and contractors authorized to do business on behalf of First 5 LA, hereinafter referred to as the "user." The contract administration and procurement staff ("CAP") will be responsible for policy implementation. The user team or office shall comply with this policy and the procedures developed by CAP. The user is required to engage CAP for all procurements covered under this policy.

III. OVERVIEW

First 5 LA shall procure goods and services using an accessible, fair, and uniform process, allowing for free and open competition aligned with First 5 LA's value and investment guideline of diversity, equity and inclusion. Procurement shall be conducted in a manner that delivers quality materials and services from responsible entities¹. First 5 LA shall promote competition for the procurement of goods and services and under certain circumstances, prioritize partnerships that are essential to advance the Strategic Plan. Purchases or procurements shall be consistent with and in support of First 5 LA's Strategic Plan and shall not be divided into smaller units to avoid the requirements of this policy.

IV. PROCUREMENT METHODS

Determination of the procurement method shall consider total cost and project length or timeframe for goods and services needed by First 5 LA. Unless a specific exception to this policy applies,

¹ Responsible and responsive entity is one that has responded appropriately and has the capability to comply with all aspects of the solicitation as defined in California Public Contract Code 1103. In order to be eligible to apply, current and former contractors and grantees must not remain in non-compliant status with any existing and past Commission contracts.

First 5 LA shall procure goods and services as follows:

- 1) No bid: For goods and services up to \$10,000, the user may select the provider directly without the need for bids. This process shall not be used when it is reasonably foreseeable that the recurring purchases would exceed the no-bid threshold in the aggregate.
- 2) Informal bid or small purchase: For goods and services between \$10,001 and \$100,000, the user shall comply with the informal bid process to procure goods and services. The user shall collect at least 3 bids from qualified providers, with the award to the responsible entity submitting the lowest bid or best value to F5LA. If less than three responses are received, the user must demonstrate that sufficient outreach and diligence were undertaken and document why the requirement for three bids was not met.
- 3) Formal bid or open solicitation: For goods and services over \$100,000, the user shall competitively procure goods and services from the lowest responsible bidder or the evaluation method set forth in the solicitation, or other method deemed appropriate for a formal bidding process.

There are two means of conducting a competitive, open solicitation:

- a. The first method is to conduct an open competitive solicitation process². The solicitation shall be posted publicly on First 5 LA's website and publicized through other appropriate channels that extend First 5 LA's reach to prospective applicants in alignment with First 5 LA's diversity, equity and inclusion value and investment guideline. Simple or standard solicitations shall be posted for a minimum of 10 business days prior to the submission deadline; complex procurements shall be posted for a minimum of 15 days prior to the submission deadline. Any exceptions to the posting period shall be approved by the Director of CAP (or designee). Open solicitations shall be written to include the scope of work, specifications, and terms and conditions of the proposed purchase or contract. The solicitation shall provide sufficient details to assist prospective applicants in calculating an accurate, unconditioned, and stable bid.
- b. The second method is to establish a pool of qualified providers through an open solicitation. Providers in the pool shall be selected by the evaluation method set forth in the solicitation. Admittance into the pool does not guarantee a contract. Pools shall be refreshed at least once every 2 years. When pools are refreshed, First 5 LA may, at its discretion, allow for existing members to remain in the pool without re-qualifying if there have been no material changes in the qualifications of the pool member.

Each open solicitation shall provide explicitly that First 5 LA reserves the right to reject all bids and re-advertise for bids, and that failure to comply with bid specification may be grounds for disqualification of bids. Each bidder or proposer shall be required to honor the price and specifications quoted for a minimum of ninety (90) calendar days following submission of the bid unless otherwise approved by First 5 LA. The CAP Director, in consultation with legal counsel, may waive any irregularity in bids or proposals if the irregularity does not provide an unfair competitive advantage over other bidders or proposers.

² Includes joint solicitations defined as two or more agencies that aggregate their individual product and service needs into a single solicitation effort.

CAP shall make the final determination as to which method of solicitation is most effective in each given solicitation and shall approve all solicitation methods used prior to issuance.

- 4) Cooperative agreements³ and piggybacking⁴ for goods and services: Cooperative agreements and piggybacking are permissible when a public entity or cooperative purchasing program allows other entities to utilize all or a portion of the goods and services as originally advertised, competed, evaluated, and awarded. Additionally, First 5 LA may include assignability clauses to contracts procured by First 5 LA to allow other public agencies to piggyback on these opportunities. When applicable, First 5 LA may also leverage contracts awarded by the State of California without further competitive bidding (Public Contracts Code Section 10298 *et seq.*).

V. PROCUREMENT EXCEPTIONS

It is acknowledged that in certain circumstances, there will be important business reasons why exceptions to an informal bid or competitive solicitation may be necessary. Those circumstances are described below. Exception requests must be supported by evidence that due diligence has been performed through a market analysis to arrive at the determination. Procurement exceptions described in subsections a-f below shall be justified and well-documented.

Justification for exceptions shall be documented by the user, approved in accordance with section VI(e) Approvals, and maintained in the project file. Lack of planning will not suffice as a justification for these exceptions.

The following circumstances shall allow First 5 LA to issue a sole source contract and the informal and formal bidding requirements of this policy shall not apply:

- a. The supplies, equipment or services to be procured are unique because of their quality, durability, availability, exclusivity, or fitness for a particular use, or are available from only one source.
- b. The offeror has related experience or expertise, techniques, specialized capabilities, or a combination of these are integral factors to the work that no other source can comparably perform.
- c. A strategic partner defined as having an existing infrastructure or substantial investment in a program or project that either cannot be duplicated or would be duplicated at the expense of First 5 LA, and has the demonstrated resources, ability, program reach, or level of expertise to support First 5 LA's systems change work. Strategic Partnerships also include entities that administer jointly funded programs or entities with key relationships⁵ when these are critical to advancing First 5 LA's Strategic Plan. In all instances, the Strategic Partnership must be aligned with First 5

³A cooperative agreement is a competitively bid agreement from a lead public agency established with multiple vendors in which those vendors agree to allow other public agencies to acquire specific goods or services in the future at established prices.

⁴Piggybacking is a method of procurement whereby an agency uses another agency's contract, even though it was not a party to the original solicitation and contract award.

⁵Proposed strategic partners with key relationships must demonstrate affiliations with key stakeholders needed by the Commission that cannot be achieved through a traditional procurement process.

LA's Strategic Plan.

- d. Emergency purchases defined as time-limited purchases that are essential to the health, safety, and welfare of personnel or for the protection of property, systems and assets and arises from a present, immediate, and existing emergency that could not reasonably be foreseen. These purchases may also include extreme events, as defined in the Fund Balance Policy A-2301.
- e. A follow-on contract for the continued use of a major product or system when it is likely that the award to any other source would result in a substantial duplication of cost to the organization or serious disruption to the operations of the organization. These exceptions shall continue until the organization is prepared to undertake changes to its products or systems.
- f. Circumstances in which competition is deemed to be inadequate after solicitation of a number of sources.
- g. Categorical exemptions defined as purchases that do not lend themselves to a competitive procurement process. CAP shall make a determination of categorical exemptions based on, but not limited to, the following:
 - i. The market for an item or service is regulated by a third party (bus tokens, postage, utilities), or
 - ii. The purchase is governed by another First 5 LA policy (travel policy, conference, and event sponsorship), or
 - iii. An item or service is not possible to be competed (leasing of property, subscriptions, and memberships).

CAP will manage the list of categorical exemptions. A sole source justification is not required for purchases under categorical exemptions.

VI. APPROVALS

- a. All First 5 LA contracts and amendments over \$150,000 in the aggregate shall be presented to the Board of Commissioners as an item under Consent for approval prior to execution on behalf of the First 5 LA. To comply with First 5 LA's Governance Guidelines, the annual budget shall serve as information for contracts presented to the Board for approval if the resources for those contracts are included in the board approved budget.
- b. The Executive Director (or designee) may approve any contract or amendment up to \$150,000 in the aggregate and will establish appropriate internal procedures and controls for those awards. Contracts that are executed under the Executive Director (or designee) between \$10,000-\$150,000 will be presented as information at the next Board of Commissioners meeting. The Executive Director (or designee) has authority to extend contracted timeframes without cost referred to as "no-cost contract extensions".
- c. The Executive Director (or designee), with concurrence of the Board Chair, may approve contracts between \$150,001 and \$300,000 in cases of an emergency as defined by Section V.d, or when the Board is not in session and an immediate need is identified by the Executive

Director as being critical to operations. These actions shall be reported to the board as information at the next meeting.

- d. The CAP Director (or designee) shall determine if a proposed exception complies with Section V of this policy. The Executive Director (or designee) shall provide final approval of all exceptions.

VII. DIVERSITY, EQUITY, AND INCLUSION

In alignment with the organization's value of diversity, equity and inclusion, First 5 LA is committed to accessible and fair procurement practices. First 5 LA shall address barriers to participation in procurement to make contract opportunities more accessible to all businesses, including but not limited to, local small business enterprises, social enterprises, and community business enterprises⁶ (includes minority, women, disabled veterans, disadvantaged, and LGBTQ owned enterprises). Selection and final consideration of awards shall be determined by the evaluation criteria established by First 5 LA. First 5 LA shall not discriminate against or grant preferential treatment on the basis of race, sex, color, ethnicity, or national origin. Strategies and practices to support diversity, equity, and inclusion shall be documented in First 5 LA's procedures' manual. First 5 LA shall collect, monitor, and use data on diversity, equity, and inclusion to inform and adjust First 5 LA's procedures to ensure continuous alignment with this policy.

VIII. PUBLIC CONTRACTS CODE AND PUBLIC WORKS

- a. Pursuant to Public Contracts Code Section 3410, when purchasing food, First 5 LA shall give preference to United States-grown produce and United States processed foods when there is a choice and when it is economically feasible to do so, at the discretion of the Executive Director (or designee).
- b. First 5 LA shall purchase recycled products whenever recycled products are available at the same or lesser price and shall require contractors to comply with Public Contracts Code Sections 22150-22154 regarding the use and reporting of post-consumer materials.
- c. First 5 LA shall comply with the provisions of the California Public Contract Code for all applicable public works projects.

IX. REGRANTING

If First 5 LA is the recipient of non-First 5 LA Proposition 10 funds and is required to regrant to specific organizations, these funds shall be regranted to the recipient organization without the application of the procurement policy. In the event that First 5 LA is required to include specific subcontractors in its proposals and selected for award of funds, the requirements of this policy shall not apply. If First 5 LA receives unallocated funds or funds that are not dedicated to a specific sub-recipient, the requirements of the policy will apply for use of those funds.

⁶The Community Business Enterprise (CBE) Program was established by Los Angeles County Consumer and Business Affairs and encourages minority, woman, disabled veteran or disadvantaged business owners to capitalize on opportunities in government and private-sector procurement programs.

X. CONFLICT OF INTERESTS

First 5 LA shall not contract with, or provide contract or grant funds to, a person or entity who has a conflict of interest, or with whom a Commissioner or staff member has a conflict of interest, except as permitted by applicable law. A conflict of interest exists when one has the opportunity to advance or protect one's own interest or private interest of others, with whom one has a relationship, detrimental to the interest, or potentially harmful for the integrity or fundamental mission of First 5 LA. No Commissioner, staff member, or consultant shall make, participate in making, or in any way use his or her official position to influence the making of a decision of hiring services for First 5 LA when he or she knows or has reason to know he or she has a financial interest. Decision-makers must recognize that even the perception or temptation of a conflict of interest may give rise to the disqualification of a proposer or the termination of an agreement. First 5 LA shall determine potential conflicts of interest at the earliest opportunity. Contractors and Grantees are expected to comply with these provisions as a material part of any Contract or Grant agreement. A Contractor's or Grantee's failure to promptly disclose known conflicts of interest shall be grounds for disqualification or termination. First 5 LA's "*Conflict of Interest*" policy applies to all methods of procurement.

XI. APPEALS

Unsuccessful bidders, proposers or applicants for First 5 LA contracts or grants shall have the ability to appeal an unfavorable decision of First 5 LA on that matter subject to the limitations and procedures established in this policy. Such an appeal shall be permitted only on the grounds that the decision violated applicable law, First 5 LA policies and procedures, or the terms of the solicitation. Appeals challenging First 5 LA's decisions on the merits or qualifications of bidders or proposers, or the scoring of proposals shall not be permitted. Appeals regarding First 5 LA's decisions on procedural or formatting errors, such as failure to include required documentation or failure to comply with page limits, shall not be permitted. This appeal policy does not apply to operational or monitoring decisions made during the course of awarded contracts and grants. The Executive Director (or designee) may establish further rules and procedures consistent with this policy to assist in the implementation of the appeals process. First 5 LA staff may offer debriefings, at their discretion, to unsuccessful proposers after the appeals period has passed and after the resolution of any appeal.

This appeal policy does not apply to informal bids or operational and monitoring decisions made during the course of awarded contracts and grants.

PROCEDURE

- a. Any appeal of a decision by First 5 LA shall be in writing and filed within ten (10) business days following the date the notification of decision is made by First 5 LA. The appeal must be filed by email to the designated contact person on the solicitation or other method described in the solicitation. An appeal shall be deemed filed on the date it is received by First 5 LA. Any appeal received by First 5 LA after the close of business on the tenth (10th) business day following the date the notification of decision is issued shall be rejected.
- b. The written appeal shall include the following information:
 - i. The specific contract, solicitation or other decision being appealed.
 - ii. The name, address, telephone numbers and email address of the appellant.

- iii. A detailed description of the specific legal and factual grounds for the appeal, stating specifically the violation of applicable law, First 5 LA's policies and procedures, or the terms of the solicitation.
- c. New grounds for appeal raised by the appellant after the appeal is filed shall not be considered.
- d. In any appeal filed pursuant to this policy, the burden shall be on the appellant to demonstrate the violation of applicable law, First 5 LA policies and procedures, or the terms of the solicitation.
- e. Upon receipt of a timely appeal, the Executive Director (or designee) shall review the appeal to determine if it is permitted by this policy. If the appeal is rejected as improper, the Executive Director (or designee) shall provide a prompt written notification to the appellant with an explanation for this decision.
- f. When a timely and proper appeal is submitted, First 5 LA shall not execute a contract with another party during the pendency of an appeal. First 5 LA reserves the right at its sole discretion to bifurcate solicitations.
- g. If the appeal is timely and proper, the Executive Director (or designee) shall investigate the appeal and render a decision within 20 business days upon receipt of the appeal. At the discretion of the Executive Director (or designee), a meeting may be held with the appellant and staff to investigate the grounds for the appeal.
- h. If the Executive Director (or designee) believes that he or she is unable to make an impartial decision on the appeal, the appeal shall be referred to an *ex officio* member of the Board who has no interest in the matter for investigation and decision.
- i. The Executive Director (or designee) shall render a written decision to the appellant. The decision may direct any of the following actions:
 - i. Deny the appeal and proceed with award of the contract with the selected proposer.
 - ii. Refer the results of the appeal back to First 5 LA staff for further review and selection based on the results of the appeal.
 - iii. Overturn the results of the selection process and designate a new successful proposer if clearly dictated by the findings of the appeal.
 - iv. Refer the matter to the full Board of Commissioners.
 - v. Cancel the procurement and resolicit.

The decision of the Executive Director (or designee) shall be final.

- j. The Executive Director (or designee) shall have authority to temporarily extend existing contracts where the goods and/or services provided under the existing contract are the subject of an ongoing procurement and the results of that procurement have been appealed in accordance with this policy until such time as the appeal has been decided.

XII. REFERENCES/LEGAL AUTHORITY

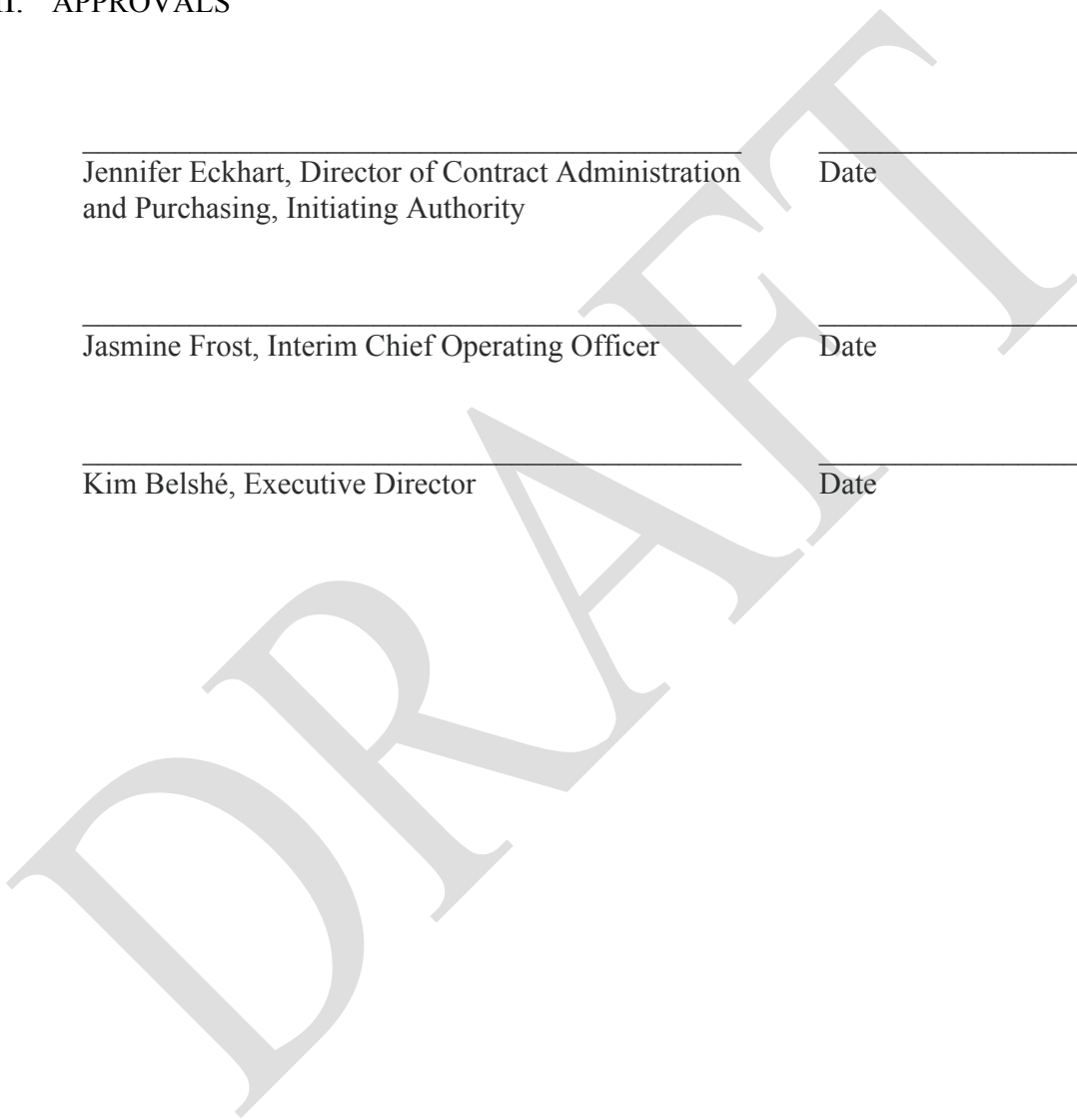
Health & Safety Code Sections 130140, 130150. Government Code Section 54201, et seq.

XIII. APPROVALS

Jennifer Eckhart, Director of Contract Administration
and Purchasing, Initiating Authority Date _____

Jasmine Frost, Interim Chief Operating Officer Date _____

Kim Belshé, Executive Director Date _____



Attachment B

Los Angeles County Children and Families First Proposition 10 Commission

SUBJECT: Procurement Policy	Policy Number:	A-2100		
	Effective Date:	02/13/14		
	Supersedes:	11/14/13, 11/29/12, 4/12/12, 6/8/06		
Initiating Authority: Contract Compliance Department	Page	1	Of	5

I. PURPOSE

This policy establishes a uniform policy and procedures for the procurement of services and materials by the “Los Angeles County Children and Families First – Proposition 10 Commission (“Commission”) aka “First 5 LA.”

II. APPLICATION

These procedures apply to all Commission departments, employees and individuals/consultants authorized to do business on behalf of the Commission.

III. POLICY

First 5 LA shall procure goods and services on the open market through a fair and uniform procurement policy, allowing for free and open competition and in a manner that delivers quality materials and services from responsible¹ entities in the most cost-effective manner. It is acknowledged that in limited circumstances, there will be important business reasons why exceptions to a competitive solicitation may be necessary. Those limited circumstances are addressed in the “Exceptions” section below. The procurement process for purchases made pursuant to an exception shall be well-documented.

IV. PROCEDURES

Unless a specific exception to this policy applies, the Commission shall competitively procure goods and services with a value of \$25,000 or more per fiscal year, from the lowest responsible bidder or the evaluation method set forth in the Requests for Proposal (“RFP”), written solicitation, or other method deemed appropriate for a formal bidding process.

¹ Responsible entity is one that has responded appropriately and has the capability to comply with all aspects of the solicitation. Current and former contractors, grantees and vendors must not be out-of-compliance with any existing and past Commission contracts in order to be eligible to apply.

Purchases or procurements shall be consistent with the Commission's Strategic Plan, and shall not be divided into smaller units to avoid the requirements of this policy. RFPs or other methods for bidding shall be written to include the scope of work, specifications and terms and conditions of the proposed purchase or contract. Each RFP or other appropriate method shall provide sufficient details to assist prospective applicants in calculating an accurate, unconditioned and stable bid. Each RFP or other method used shall provide explicitly that the Commission reserves the right to reject all bids and re-advertise for bids, and that failure to comply with bid specification may be grounds for disqualification of bids. Each bidder or proposer shall be required to honor the price and specifications quoted for a minimum of sixty (60) calendar days following submission of the bid. The Executive Director (or designee) or Commission may waive any irregularity in bids. The Executive Director (or designee) and user Department Director shall make the final determination as to which method of solicitation is most effective in each given solicitation and shall approve all RFPs or other method used prior to issuance.

1. Purchases or services of \$25,000 or more within a fiscal year require a competitive, open solicitation, unless meeting the requirements of an exception as stated below. There are two means of conducting a competitive, open solicitation:
 - A. First 5 LA can establish pools of qualified entities through an open solicitation known as a Request for Qualifications (RFQ). The RFQ will clearly delineate required area(s) of expertise or service. The pool of acceptable entities will be selected in adherence to the requirements as spelled out in the separate "*Selection of Grantees and Contractors*" policy. Entities that have successfully competed through the RFQ and have been selected into the pool are referred to as "pool registered entities." Being registered in the pool in no way guarantees a contract. It is the Commission's sole discretion to determine those areas in which pools will be established. That determination will be made in consultation with the Executive Director (or designee). Pools may be open and add successful entities on an ongoing basis. Pools may also be closed, accepting successful entities during a defined period of time. If a pool of registered entities is established and is closed, it will have to be reopened to allow the option for additional providers to submit their qualifications on a regular basis ("refreshed"), no less than every 24 months. When pools are refreshed, the Commission may at its discretion allow for existing members to remain in the pool without re-qualifying, if there have been no material changes in the qualifications of the pool member. Once a pool is established, the Commission may conduct a competitive solicitation from the appropriate pool and by areas of expertise. In so doing, the Commission is not required to undertake the 10-day posting requirement or the standard evaluation process, as spelled out in the "*Selection of Grantees/Contractors*" policy.
 - B. The second method of conducting an open, competitive solicitation is by conducting a general solicitation. The solicitation shall be posted publicly on the Commission's website and publicized through any other appropriate channels. The solicitation shall be posted for a minimum of 10 business days prior to the submission deadline and must adhere to all other requirements as spelled out in the "*Selection of Grantees/Contractors*" policy.

The exceptions to the competitive bidding requirements of this Policy shall be as follows:

Justification for using other than the competitive bid solicitation process, or the selection of other than the lowest competitive bidder for procurements of \$25,000 or more within a fiscal year shall be approved in writing by the Executive Director (or designee) and maintained in the project file. The Commission's "*Conflict of Interest*" policy applies to all methods of procurement.

The competitive bid requirement of this policy shall not apply under the following circumstances:

- a. The supplies, equipment or services to be procured are unique because of their quality, durability, availability or fitness for a particular use or are available from only one source;
- b. The Executive Director (or designee) has determined in writing that exigent or emergency circumstances require the immediate purchase of specific supplies, services or equipment, which determination shall be maintained in the Commission's files;
- c. Personal services contracts² if the Executive Director issues a written finding prior to the award of contract that the proposed contractor is so uniquely qualified for the particular project that competitive bidding would not be in the best interests of the Commission. Such findings must specifically define the nature of the personal services to be provided, should be infrequently made and shall remain in the Commission's file regarding the contract.
- d. In certain circumstances, the Commission may enter into Strategic Partnerships.³ In all instances, the Strategic Partnership must be aligned with the approved Strategic Plan, and may be established only when any one of the following conditions is met:
 - i. The Strategic Partnership can provide specific resources needed by First 5 LA to implement an approved program or initiative in a manner or on a scale that makes the Strategic Partnership more cost-effective than resources provided through a competitive solicitation; or
 - ii. The Strategic Partnership can implement an approved program or initiative more expeditiously than resources provided through a

² The term "personal services contract" shall mean a contract in which, by its express terms, the labor, or unique skills or talents, of a particular identified individual or group of individuals are material to the performance of the contract. "Personal services contracts" include, without limitation, contracts for temporary employees.

³ A strategic partner is defined as an existing governmental, not-for-profit or for-profit entity which has specific resources needed by the Commission and which has the demonstrated resources, ability or level of expertise to implement specific activities in cooperation with the Commission that are consistent with the Commission's Strategic Plan and meet the conditions as stated above.

- competitive solicitation; or
- iii. The Strategic Partnership can provide a demonstrated level of ability or expertise that is only available in the community through the proposed Strategic Partnership; or
- iv. The Strategic Partnership provides an opportunity to leverage First 5 LA funds to produce additional funding for the program or initiative or service.

For Strategic Partnerships up to \$75,000 the Executive Director (or designee) shall determine in writing that establishing the Strategic Partnership is in the best interests of the Commission. For Strategic Partnerships of \$75,000 or more in any fiscal year, the determination must be presented to the Board at a public meeting and the Board shall determine, through specific written findings, whether establishing the Strategic Partnership is in the best interests of the Commission.

2. Unless a specific exception to this policy applies, the Commission shall solicit bids or proposals through a broad array of communication media, designated to attract a range of competitive bidders. At a minimum, each RFP or other solicitation shall be posted on the Commission's website for a minimum of 10 business days and transmitted by the responsible department(s) to identified potential bidders. Further requirements are addressed in the "*Selection of Grantees/Contractors*" policy.
3. The Commission shall promote diversity amongst its contractors/grantees and vendors, taking into account the diversity of the Los Angeles County population. To do so, the Commission shall adhere to requirements as spelled out in the "Selection of Grantees/Contractors" policy and may undertake additional efforts to ensure representation of disadvantaged businesses, minority, veteran, women -owned entities, as well as small-business enterprises.
4. Each RFP or other solicitation method issued by the Commission shall contain a sample of the Commission's standard applicable contract for goods or services including, without limitation, insurance requirements, with a statement notifying the bidder that the selected bidder shall be expected to execute the contract without substantive alteration.
5. All Commission contracts to contractors, grantees or vendors of \$75,000 or more in the aggregate in any fiscal year shall be presented to the Commission on a consent calendar for approval prior to execution on behalf of the Commission. The Executive Director (or designee) may approve any contract less than \$75,000 in the aggregate in a fiscal year, and will establish appropriate internal policies and controls for those awards. Copies of contracts executed in the amount of \$25,000 or more and up to \$75,000 within a fiscal year will be provided to the Commission during the course of its normal business and be provided as informational items. In addition, the Executive Director has authority to amend any contract by up to \$75,000 or up to 10% of the total contract amount within a fiscal year, whichever is greater. The Executive Director (or designee) also has authority to extend contracted timeframes without cost, referred to as "no-cost contract extensions."

6. Pursuant to Public Contracts Code Section 3410, when purchasing food, the Commission shall give preference to United States-grown produce and United States processed foods when there is a choice and when it is economically feasible to do so, at the discretion of the Executive Director or his/her designee.
7. The Commission shall purchase recycled products whenever recycled products are available at the same or lesser price, and shall require contractors to comply with Public Contracts Code Sections 22150-22154 regarding the use and reporting of post-consumer materials.

V. RESPONSIBILITIES

The Executive Department and Department Directors are responsible for implementing this policy, and formulating and complying with appropriate procedures and guidelines. The Executive Department is also responsible for monitoring the specified thresholds and make recommendations to the Commission with any recommended modifications.

VI. REFERENCES/LEGAL AUTHORITY

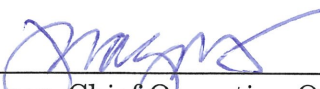
VII. APPROVALS



Jennifer Eekhart, Contracts Compliance Manager
Initiating Authority

2/18/14


Date



John Wagner, Chief Operating Officer

2/18/14

Date



Kim Belshé, Executive Director

2/18/14

Date

Approved by Board of Commissioners February 13, 2014

Los Angeles County Children and Families First Proposition 10 Commission

Board of Commissioners Appeals Policy

1. PURPOSE

The purpose of this policy is to formalize First 5 LA's policy regarding appeals of specified decisions and to prescribe the rules for such appeals.

2. STATEMENT OF POLICY

Unsuccessful bidders, proposers or applicants for First 5 LA contracts or grants shall have the ability to appeal an adverse decision of the Commission or staff on that matter subject to the limitations and procedures established in this policy. Such an appeal shall be permitted only on the grounds that the decision violated applicable law, First 5 LA policies and procedures, or the terms of the bid, RFP or RFQ. Appeals challenging First 5 LA's decisions on the merits or qualifications of bidders or proposers, or the scoring of proposals shall not be permitted. Appeals regarding First 5 LA decisions on procedural or formatting errors, such as failure to include required documentation or failure to comply with page limits, shall not be permitted. This appeal policy does not apply to operational or monitoring decisions made during the course of awarded contracts and grants.

3. PROCEDURE

- A. Any appeal of a First 5 LA decision shall be in writing and filed with the office of the Executive Director or his/her designee within ten (10) business days following the date the notification of decision is made by First 5 LA. The appeal must be filed in person or by fax or email to the designated contact person on the solicitation. An appeal shall be deemed filed on the date it is received by First 5 LA. Any appeal received by First 5 LA after the tenth (10th) business day following the date the notification of decision is issued shall be rejected.
- B. The written appeal shall include the following information:
 - 1. The specific contract, RFP, RFQ or other decision being appealed.
 - 2. The name, address, telephone numbers and email address of the appellant.
 - 3. A detailed description of the specific legal and factual grounds for the appeal, stating specifically the alleged error of law, policy, procedure or term.
 - 4. Supporting documents, if applicable. New documents submitted, or new grounds for appeal raised, by the appellant after the appeal is filed shall not be considered.

Appeals Policy

Page 2

- C. In any appeal filed pursuant to this policy, the burden shall be on the appellant to demonstrate the error or failure to comply with applicable law, policy, procedure or term.
- D. Upon receipt of a timely appeal, the Executive Director or his/her designee shall review the appeal to determine if it is permitted by this policy. If the appeal is rejected as improper, the Executive Director shall provide a prompt written notification to the appellant.
- E. First 5 LA shall not take any action to prejudice the appeal, such as executing a contract with another party, during the pendency of a timely and proper appeal. First 5 LA reserves the right at its sole discretion to bifurcate solicitations.
- F. If the appeal is timely and proper, the Executive Director or his/her designee shall investigate the appeal and render a decision within a reasonable time. At the discretion of the Executive Director or his/her designee, an informal meeting may be held with the appellant and staff to investigate the grounds for the appeal.
- G. If the Executive Director or his/her designee believes that he or she is unable to make an impartial decision on the appeal, the appeal shall be referred to an *ex officio* member of the Commission who has no interest in the matter for investigation and decision.
- H. The person who reviews the appeal shall render a written decision within a reasonable time following the filing of the appeal. The decision may direct any of the following actions:
 - 1. Deny the appeal.
 - 2. Refer the results of the appeal back to the Commission staff for further review and selection based on the results of the appeal.
 - 3. Overturn the results of the selection process and designate a new successful proposer if clearly dictated by the findings of the appeal.
 - 4. Re-open the RFP, RFQ or bid process.
 - 5. Refer the matter to the full Commission.
- I. The decision of the Executive Director or his/her designee shall be final.
- J. The Executive Director may establish further rules and procedures consistent with this policy to assist in the implementation of the appeals process.

Attachment D

SUMMARY OF RECOMMENDATIONS

Thresholds

#	Current	Recommended
1	No Bid Purchases up to \$5,000 do not require any bids	Incorporate the no bid threshold into policy. Set up to \$10,000 as the no-bid threshold. Procedures will explore system functionalities (BBGM) and establish processes with Finance to monitor no-bid purchases.
2	Informal Bid \$5,000 - \$25,000 requires 3 bids	Incorporate the informal bid threshold into policy. Set range for informal bids as \$10,001-\$100,000. Strengthen the informal bidding process to require users to collect at least three (3) bids from qualified providers. If less than three responses are received, staff must demonstrate that sufficient outreach and diligence were undertaken and document why the requirement for three bids was not met.
3	Competitive Purchase Over \$25,000 requires an open solicitation	Set competitive purchase threshold at above \$100,000. Proposer is required to honor the price and specifications quoted for a minimum of ninety (90) calendar days following submission of the bid, unless otherwise approved by the Commission. This was previously sixty (60) days.
4	Board and Executive Director Approval Contracts of \$75,000 or more and amendments greater than 10% or \$75K, whichever is higher	Set threshold for contracts and amendments above \$150K for board approval. Authorize the Executive Director to approve contracts and amendments up to \$150K. Request Board to delegate contract authority to the Executive Director, with concurrence of the Board Chair, to approve contracts between \$150,001 and \$300,000 in an emergency as defined by Section V.d, or when the Board is not in session and an immediate need is identified by the Executive Director as being critical to operations. These actions shall be reported to the board as information at the next meeting. Added language to reflect our current practice which states that the annual budget shall serve as information for contracts presented to the Board for approval if the resources for those contracts are included in the board approved budget to comply with the sequencing of action items in the Governance Guidelines.
5	Contracts Under ED Authority	Contracts that are under ED authority (\$10,000-\$150,000) will be presented as information at the next board meeting.

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Procurement Exceptions & Other Methods

#	Current	Recommended
6	Sole Source The supplies, equipment, or services to	Refine definition to add "exclusivity" of products or services.

Attachment D

SUMMARY OF RECOMMENDATIONS

	be procured are unique because of their quality, durability, availability or fitness for a particular use or are available from only one source (from current policy)	
7	<p>Personal Service Contracts (PSCs)</p> <p>Defined as uniquely qualified based on labor, unique skills, or talents of a particular identified individual or group of individuals that are material to the performance of the contract.</p>	Revise definition and eliminate reference to PSCs. This exception will focus on related experience, use of techniques, specialized capabilities, or a combination of these factors that no other source can comparably perform
8	<p>Strategic Partnerships (SPs)</p> <p>Entity that has the demonstrated resources, ability, or level of expertise to implement specific activities in cooperation with the Commission that are consistent with the Strategic Plan. In addition, at least one of four criteria must be met.</p>	<p>Revise definition of a strategic partner and remove criteria:</p> <p>A strategic partner is defined as having an existing infrastructure or substantial investment in a program or project that either cannot be duplicated or would be duplicated at the expense of the Commission, and has the demonstrated resources, ability, program reach, and level of expertise to support the Commission’s systems change work. Strategic Partnerships also include entities that administer jointly funded programs or entities with key relationships when these are critical to advancing the Commission’s Strategic Plan. In all instances, the Strategic Partnership must be aligned with the approved Commission’s Strategic Plan.</p>
9	<p>Emergency Purchases</p> <p>Exigent or Emergency circumstances that requires the immediate purchase of specific supplies, services, or equipment.</p>	Revise definition as time-limited purchases that are essential to the health, safety, and welfare of personnel or for the protection of property, systems and assets and arises from a present, immediate, and existing emergency that could not reasonably be foreseen. These purchases may also include extreme events, as defined in the Fund Balance Policy A-2301.
10	<p>Major Products and Systems</p> <p>This exception is not in the current policy.</p>	Include an exception for the continued use of major products and systems defined as: A follow-on contract for the continued use of a major product or system when it is likely that the award to any other source would result in a substantial duplication of cost to the organization or serious disruption to the operations of the organization. These exceptions shall continue until the organization is prepared to undertake changes to its products or systems.
11	<p>Categorical Exemptions</p> <p>FSLA has a list of categorical</p>	<p>Incorporate categorical exemptions as an exception to procurement. Define as purchases that do not lend themselves to a competitive procurement process such as if:</p> <p>1)) the market for an item or service is regulated by a third party (bus tokens, postage, utilities)</p>

Attachment D

SUMMARY OF RECOMMENDATIONS

	exemptions in the Procurement Manual.	2) purchase is governed by another First 5 LA policy (travel policy, conference and event sponsorship), or 3) item or service is not possible to be competed (leasing of property, subscriptions and memberships). List of exemptions will be maintained and communicated by CAP.
12	Cooperative Agreement and Piggybacking F5LA is currently allowed to leverage State contracts and piggyback for CIP only.	Include the use of both cooperative agreements and piggybacks in the policy for purchase of general goods and services.
13	Solicitation to the Pool F5LA has a detailed Solicitation to the Pool process included in its policy	Keep this in the policy as an acceptable method of procurement. This will allow F5LA to establish pools in the future, if needed.

Other Policy Elements & Priorities

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#	Current	Recommended
14	Policy priorities Policy statement promotes competition	A policy statement will be included to clarify that F5LA will promote competition for the procurement of goods and services and, under certain circumstances, prioritize partnerships that are essential to advance the Strategic Plan.
15	Diversity F5LA has diversity statement in the current policy.	Strengthen diversity statement to articulate DEI goals that include fair and accessible procurement practices, addressing barriers to participation, and collection and monitoring of data to track progress and use for continuous improvement. DEI strategies and approaches will be documented in the process manual.
16	Regranting funds The policy does not address regranting of funds.	Include regranting requirements and allowances. If the Commission is the recipient of non-First 5 LA Proposition 10 funds and is required to regrant to specific organizations, these funds shall be regranted to the recipient organization without the application of the procurement policy. In the event that the Commission is required to include specific subcontractors in its proposals and selected for award of funds, the requirements of this policy shall not apply. If the Commission receives unallocated funds or funds that are not dedicated to a specific sub-recipient, the Commission shall comply with this policy for use of those funds.

Attachment D

SUMMARY OF RECOMMENDATIONS

#	Current	Recommended
17	<p>Public Works Procurement Requirements</p> <p>The policy does not address compliance to public works requirements.</p>	Public works and the PCC will be referenced in the policy
18	<p>Posting of open solicitations</p> <p>Minimum posting period of 10 business days</p>	The minimum posting should remain 10 business days as noted in the policy for simple or standard procurements; Add 15 business days for complex procurements. Procedures will define “simple or standard” and “complex” procurements. Exceptions shall be approved by the CAP Director.
19	<p>Policy Elements</p> <p>Procure goods and services on the open market through a fair and uniform procurement policy, allowing for free and open competition.</p>	Eliminate the use of the words "open market".
20	<p>Roles and Responsibilities</p> <p>Executive Director and Department of Directors are responsible for implementing the Policy.</p>	The Contract Administration and Purchasing Team (CAP) will be responsible for policy implementation and the user (staff and contractors authorized to do business on behalf of First 5 LA) are required to engage CAP for all procurements covered under the policy. Specific responsibilities will be included in the procedures manual.
21	<p>Existing procurement related policies</p>	Repeal obsolete procurement related policies, including Hiring Consultants, Hiring Contractors, and Selecting Grantees; these policies are all procedural and outdated. The procedures manual will serve as the primary source for procurement and contracting related processes. Incorporate the Appeals Policy into the Procurement Policy. Recommend including that Commission staff may offer debriefings, at their discretion, to unsuccessful proposers after the appeals period has passed and after the resolution of any appeal. The procedure will require a decision on an appeal within 20 business days. The Executive Director (or designee) shall have authority to temporarily extend existing contracts where the goods and/or services provided under the existing contract are the subject of an ongoing procurement and the results of that procurement have been appealed in accordance with this policy until such time as the appeal has been decided. The policy shall not apply to informal bids.

Attachment D

SUMMARY OF RECOMMENDATIONS

#	Current	Recommended
22	Conflicts of Interest F5LA has an existing written policy and conflict of interest form.	Incorporate conflict of interest requirements specific to procurement in the policy.

Procurement Reform Project

Meeting of the Board of Commissioners

Presenter: Jennifer Eckhart

September 9, 2021



Agenda

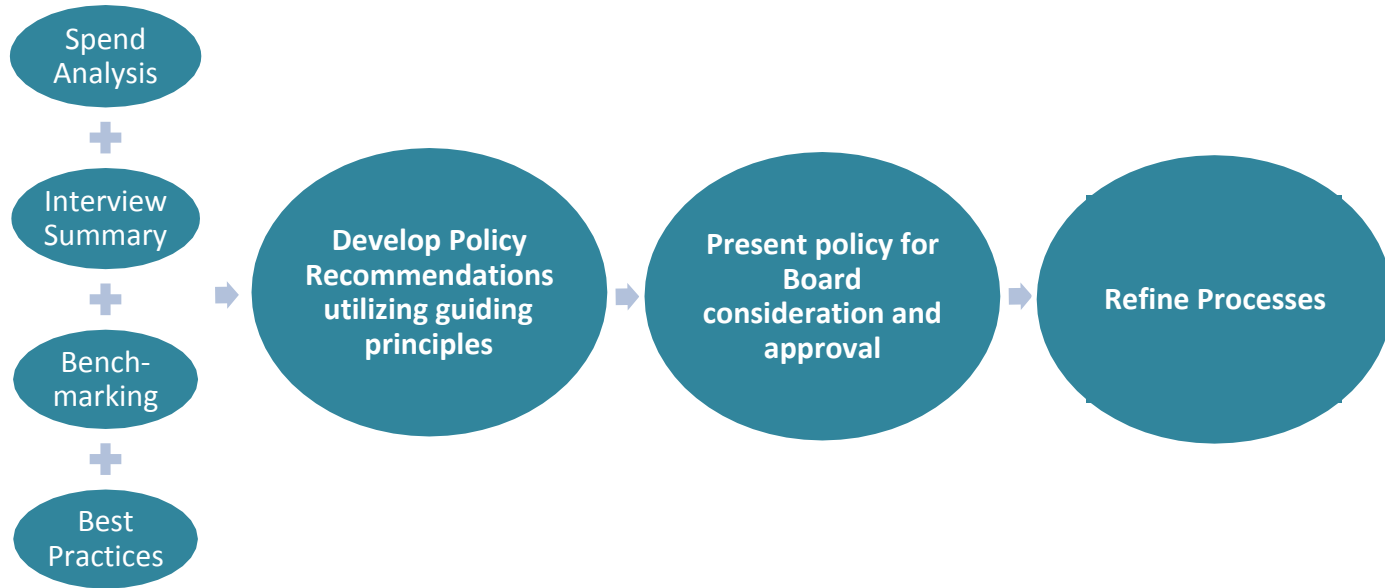
- Project Recap and Overview
- Policy Revisions
- Next Steps



Project Overview

- Procurement policy last updated and approved by Board on Feb.13, 2014
- Project objective: Update the Procurement policy and related processes to better align with our current strategic direction to enable more effective and efficient implementation of the Strategic Plan
- First 5 LA is required to adopt contracting and procurement policies consistent with state law in a public hearing

Project Approach



Policy Revisions

- ✓ Increased procurement and contracting thresholds
- ✓ Aligned to support our strategic direction and values
- ✓ Included new procurement methods
- ✓ Incorporated legal requirements
- ✓ Clarified roles and responsibilities
- ✓ Addressed operational issues

Contracting for Emergencies and Critical Operations

Revised recommendation:

- In cases of an emergency or when the Board is not in session and an immediate need is identified critical to operations, authorize the Executive Director, with concurrence of the Board Chair, to approve contracts between \$150,001 and \$300,000.
- These actions shall be reported to the board as information at the next scheduled meeting.
- For contracts over \$300,000, under these circumstances, the board may convene¹³⁷ special meeting for immediate approval.

Examples

- Natural or manmade disasters such as earthquakes, flooding, fires, or contamination
- Infrastructure or equipment failures
- Critical health emergencies
- Critical security emergencies such as a terrorist attack or serious crime
- Major cyber security or data breaches
- Other unanticipated events that make it impossible for an agency to perform a statutory or critical function in the necessary timeframe

Intended Outcomes

Increase efficiency with procurement activities

Speed up contracting approvals

Reduce Board's time on small dollar contracts

Improve contractor/grantee experience

More diverse businesses

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Next Steps

- Update Bylaws to reflect new thresholds and delegation
- Process refinement, including DEI strategies and approaches
- Phased implementation and staff training



Questions

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FIRST 5 LA

SUBJECT:

Approve a Strategic Partnership with the Child Care Alliance of Los Angeles (CCALA) in an Amount up to \$5,000,000 to support First 5 LA's work to advance quality early learning and care for a period of up to 5 years and Authorize First 5 LA Staff to Execute a 16-month Agreement in the Amount of \$250,000.

RECOMMENDATION (PROVIDED FOR ACTION):

This memo was provided as information for the Board's consideration at the June 24, 2021, Special Board/Program & Planning Committee Meeting. At today's September 9, 2021, Commission meeting, First 5 LA staff recommends that the Board approve the establishment of a Strategic Partnership with Child Care Alliance of Los Angeles (CCALA) for an amount not to exceed \$5,000,000 for the period of 5 years and authorize staff to execute a contract from September 17, 2021 through December 31, 2022 for \$250,000. Subsequent agreements will be presented to the Board for consideration as part of Contract Consent. Funds for FY 2021-2022 are included within the proposed First 5 LA Programmatic Budget under the Home-Based Child Care Strategy, which was approved by the Board of Commissioners on June 10, 2021. Beyond FY 2021-22, funds will be pulled from the assigned fund balance which will be brought to the Board of Commissioners for approval in June of the corresponding fiscal year. At the time of budget approval, requested resources will shift from the assigned resource category of the fund balance, dedicated for broad Strategic Plan purposes, to the Committed category, amounts dedicated for a more specified purpose via resolution.

BACKGROUND:

First 5 LA has historically invested in strategies supporting publicly funded, licensed, center-based care with a particular emphasis on preschool. This has largely excluded home-based child care (HBCC) in Los Angeles County. Home-based child care, both licensed (e.g., Family Child Care or FCC) and license-exempt (e.g., Family, Friends, and Neighbor or FFN care), including both subsidized and non-subsidized care, is the primary setting of non-parental care and is particularly popular for the care of infants and toddlers. Home-based care often offers families more flexible hours, more affordable pricing, and greater cultural and linguistic competence relative to center-based settings. These settings are often less well-resourced and receive fewer publicly funded, targeted supports relative to licensed center-based care settings. In addition, this past year's experience with the pandemic has illustrated how essential home-based child care is to families across Los Angeles County.

First 5 LA is embarking on the development of a multi-year strategy to inform how we can best support families accessing home-based care as well as the network of home-based care providers. Because this is new territory to First 5 LA, and there is not a lot of current data on the county's network of home-based care providers who interact with the public early learning system either through licensing and/or through subsidy, First 5 LA will execute the overall strategy in several phases:

- Phase 1: Launch landscape analysis and establish a Provider Advisory Group.
- Phase 2: Complete and learn from landscape analysis and the Provider Advisory Group to further inform our strategy, partners, and design. Included in the Provider Advisory Group will be HBCC providers who currently have no interaction with the public early learning system (i.e., FFN providers who do not accept/receive a subsidy payment).
- Phase 3: In partnership with HBCC providers, decide on various efforts to pilot that support and enhance HBCC providers' inherent assets and ability to provide quality early learning experiences. Efforts will be prioritized that integrate and align with existing publicly funded programs and systems, including but not limited to Quality Start Los Angeles (QSLA).
- Phase 4: Compile lessons learned from pilots and decide which can be applied at scale to ensure that publicly funded systems better meet the unique needs of HBCC providers in Los Angeles County and reduce existing barriers that hinder HBCC providers' ability to provide quality early learning experiences to young children.

- Phase 5: With partners, create sustainable systems change and inform policy priorities to enhance the system of home-based care providers across the county.

Despite home-based child care providers' prominence and strengths, relatively little is known about these providers and what they need to provide quality care for children. Many HBCC providers do not interact with the publicly funded early care and education system at all, and those that do, do not have access to the same supports provided by public systems, nor do the supports that exist meet the unique needs of home-based child care providers despite this group serving far more children, including underserved infants and toddlers. While the COVID-19 pandemic shuttered many center-based settings, Family Child Care homes largely remained open, allowing essential workers to provide essential services to our communities – in spite of the lack of access to the same level of public supports available to center-based care providers. Families have always relied on home-based care for the care of their youngest, and the pandemic exacerbated this reliance. To achieve our North Star, First 5 LA needs a better understanding of home-based care in Los Angeles County broadly and must work collaboratively with partners to co-create quality supports centered around home-based care provider needs.

Towards that end, the first phase of the strategy is to conduct a landscape analysis. The purpose of this landscape analysis of licensed FCC homes and subsidized, license-exempt FFN care is to:

1. Understand these provider populations, their role and unique needs in providing child care in Los Angeles County.
2. Understand families utilizing home-based care, their rationale for choosing home-based care and their experience with using home-based care.
3. Identify successes in home-based care and understand barriers that limit supply, quality, and sustainability.
4. Understand how Quality Start LA can better support inclusive, culturally/linguistically responsive, quality care to children aged 0-5.

First 5 LA's Strategic Plan has four desired results for children and families, one of which is that children have high-quality early care and education experiences. Existing efforts have historically focused on licensed center-based settings, but the current Strategic Plan is inclusive of home-based child care settings. Staff are requesting a strategic partnership with CCALA because of its unique ability to engage with home-based providers receiving public dollars. Home-based child care is particularly relationship-based, and it is important to utilize existing trusted relationships within these settings. While the proposed landscape analysis is an initial step in expanding our knowledge in how to support early learning in these settings, we will need to continue engaging this population following the landscape analysis. CCALA's position as an alternative payment administrator positions them to instantly engage with the known universe of FFN providers receiving public dollars, and this five (5) year strategic partnership will allow staff to continually engage with this population over the duration of this strategy. In addition, First 5 LA will be in a position to ensure broader participation by other stakeholders in the development of our strategy.

The desired milestones of this particular multi-year Strategic Partnership with CCALA include:

1. In partnership with others with an emphasis on community-based organizations, documenting the particular needs and strengths of home-based care through a landscape analysis.
2. Informing and building the awareness of the needs of home-based care providers by sharing findings of the home-based landscape analysis with key stakeholders, including community-based agencies and policymakers.
3. In partnership with relevant First 5 LA teams and offices, developing policy and programmatic strategy recommendations based on the data gathered from the home-based landscape analysis and other data collection methods as needed.

4. In partnership with others, piloting strategies to strengthen home-based child care in Los Angeles County in both licensed and license-exempt settings.

Please note that a number of these milestones will occur outside of the initial 16-month contract period. Subsequent contracts following December 2022 will be brought to the Board for input, review, and approval.

Success of the Strategic Partnership with CCALA will be measured by:

1. Completion of the Los Angeles County home-based care landscape analysis scheduled to take place during the initial 16-month contract upon Board approval.
2. Increased number of home-based providers participating in QSLA specifically within the Best Start geographies.
3. Increased awareness and implementation of quality child care practices in home-based care settings.
4. Increased array of offerings by QSLA to better meet the needs of a variety of provider types, including home-based care providers.

A subset of home-based care, FFN care and the population relying on it, by definition, is difficult to assess because any license-exempt, non-custodial care arrangement can be considered FFN care. To achieve the outcomes identified in First 5 LA's Strategic Plan, staff are initially and specifically focused on FFN providers who accept subsidy or have tried to receive subsidy but experienced barriers to receiving a subsidy. This is for several reasons, the first being that subsidized care is a population reachable by CCALA and subsidized care serves many of the populations furthest from opportunity (e.g., children from families with low-incomes). Staff recognize that many children are served in care that operates entirely outside of the subsidized system. However, in the absence of a systematic way to reach this population, staff recommends that the Landscape Analysis focus on those who currently receive public supports and include those who do not receive subsidies in the Provider Advisory Group so that their perspective is included. The Child Care Alliance of Los Angeles and by extension, the Resource & Referral/Alternative Payment agencies that operate under the CCALA umbrella, is uniquely positioned to reach this group because they administer the state payments to FFN providers. The long-term partnership with CCALA and our establishment of the Provider Advisory Group will allow staff to be responsive and nimble to needs identified over the course of our home-based care strategy fact-finding phase. Not only does CCALA have existing, well-established relationships with FFN providers receiving subsidies, more importantly, they are uniquely positioned to reach them as administrators of public payments to these providers.

Additionally, First 5 LA staff is developing ways to directly partner with families and align with other efforts in the County. First, we are creating a multi-lingual digital mobile-first platform to directly reach families. This responsive and highly interactive tool will complement the findings of the landscape analysis. It will also provide a way to receive real time feedback from families as the home-based child care strategy develops. Second, the Landscape Analysis results will further inform the implementation of the Workforce Pathways Grant funded by the California Department of Education and spearheaded by the LA County Child Care Planning Committee and QSLA. This grant focuses on increasing access to career advancement for early educators and it seeks to support and engage home-based providers. The results of the Landscape Analysis will be leveraged to inform and align policy development and recommendations among early learning partners and other stakeholders in Los Angeles County.

Pursuant to the Procurement Policy that existed before the Board's action today and which existed when this item was first presented to the Board, Strategic Partnerships of \$75,000 or more in a fiscal year must be presented to the Board for approval. Staff is requesting an establishment of a Strategic Partnership for an amount not to exceed \$5,000,000 to comply with this policy. Additionally, Section IV.5 of the Procurement Policy also states that contracts of \$75,000 or more requires Board approval prior to

execution. Staff is seeking approval to execute a contract for the period of September 17, 2021 through December 31, 2022 for \$250,000 to comply with this policy.

Staff notes that the following information is required to justify a Strategic Partnership. Though we spell out the justification for this partnership with CCALA, we acknowledge our need to ensure we build upon their unique value to this work by engaging other, non-traditional providers to inform our emerging strategy on home-based care.

GOVERNANCE GUIDELINES #5 AND #6 (SUSTAINABILITY AND LEVERAGING):

SUSTAINABILITY:

Based on the *Guidelines for the implementation of Governance Guidelines for Potential Strategic Partnerships for More than \$75,000*, the exceptions to these requirements include Strategic Partnerships releasing funds for good or services for the primary benefit of First 5 LA (e.g., vendors, consultants, etc.). The home-based child care landscape analysis results will be sustained by informing the Early Care and Education Team’s overall home-base care strategy specifically piloting approaches to support providers and increase the number of home-based providers participating in quality support activities. As such, sustainability will be embedded in the design and criteria for piloting strategies. Data will also inform policy recommendations that will guide future advocacy efforts by the Office of Government Affairs and Public Policy. Additionally, the information from the landscape analysis will be leveraged by QSLA to increase their capacity for a unified quality support system that includes all provider types through lessons learned of how to best support and define quality for home-based providers.

LEVERAGING:

CCALA is the overarching agency that represents the Resource and Referral (R&R) and Alternative Payment agencies in Los Angeles County, and its Board is comprised of the executive directors of all the R&R and Alternative Payment agencies in LA County. Their unique role is conducive to leveraging and sustaining the recommended strategies informed by the landscape analysis. They will be able to leverage a variety of state & federal funding entering the R&R and Alternative Payment agencies in LA County. Additionally, because of their collaborative approach and strong relationships within this system, they are poised to implement and sustain long-term policy and programmatic recommendations.

JUSTIFICATION:

This Strategic Partnership meets the criteria below:

- The Strategic Partnership can provide specific resources needed by First 5 LA to implement an approved program or initiative in a manner or on a scale that makes the Strategic Partnership more cost effective than resources provided through a competitive solicitation; or
- The Strategic Partnership can implement an approved program or initiative more expeditiously than resources provided through a competitive solicitation; or
- The Strategic Partnership can provide a demonstrated level of ability or expertise that is only available in the community through the proposed Strategic Partnership; or
- The Strategic Partnership provides an opportunity to leverage First 5 LA funds to produce additional funding for the program or initiative or service.

AND

- The proposed Strategic Partnership is aligned with the adopted Strategic Plan.

The Strategic Partnership can provide specific resources needed by First 5 LA to implement an approved program or initiative in a manner or on a scale that makes the Strategic Partnership more cost effective than resources provided through a competitive solicitation.

In partnership with First 5 LA, QSLA, and other key stakeholders, CCALA (and the Resource and Referral and Alternative Payment agencies that operate under CCALA) will be responsible for conducting all portions of the proposed landscape analysis. CCALA is the overarching agency that represents the Resource and Referral (R&R) and Alternative Payment agencies in Los Angeles County, and its Board is comprised of the executive directors of all the R&R and Alternative Payment agencies in LA County. In addition, CCALA is a QSLA coaching partner and provides a myriad of professional development opportunities for early learning and care providers throughout Los Angeles County. Thus, CCALA has deep and long-standing relationships within the early care and education field in LA County as well as existing relationships with FFNs receiving state payments and all FCCs– the primary group of interest for this landscape analysis. CCALA is uniquely qualified to reach this audience because of their role as an administrator of these payments, in addition to their role as a trusted resource in the early learning and care field for provider professional development and training. They are immediately ready to reach these individuals for data collection upon contract execution. Because the landscape analysis will also have a focus group component, much of this work is heavily relationship-based, and the ability to leverage the existing and trusted relationships between CCALA and the R&R agencies under it, and the providers in LA County will facilitate data collection efforts. Were we to engage in a competitive solicitation, any agency would necessarily have to utilize CCALA to reach the target population and cultivate those relationships. This more direct means of communication between CCALA and providers will be a tremendous advantage in our ability to launch this work more expeditiously. No other party has access to this wide range of providers across Los Angeles County. Accessing that provider pool would cost significant resources and additional time. CCALA already has the infrastructure set up to reach all provider types. Additionally, because CCALA is the umbrella organization of the R&R and Alternative Payment agencies, they have qualified and expert staff that have completed local evaluation work on LA County focused on home-based care and are also well-connected with other researchers who do the same.

The Strategic Partnership can implement an approved program or initiative more expeditiously than resources provided through a competitive solicitation.

In partnership with First 5 LA, QSLA, and other key stakeholders, CCALA will be responsible for designing and implementing the landscape analysis and providing an analysis of the data gathered. Because CCALA is the overarching agency that represents the Resource and Referral (R&R) and Alternative Payment agencies in Los Angeles County, they are uniquely positioned to reach this population given their existing relationship with home-based care providers. CCALA's Board is comprised of the executive directors of each R&R and Alternative Payment agency in LA County. In addition, CCALA is a QSLA coaching partner and provide a myriad of professional supports for various provider types, and thus is intimately familiar with the quality support landscape countywide. Additionally, because CCALA is the umbrella organization of the R&R and Alternative Payment agencies, they have qualified and expert staff resources that have completed local evaluation work on LA County focused on home-based care and are also well-connected with other researchers who do the same.

The proposed Strategic Partnership is aligned with the adopted Strategic Plan.

The 2020-2028 Strategic Plan continues its focus on ensuring children have high quality early care and education experiences and identifies First 5 LA's Best Start Communities as places to pilot strategies to support home-based child care providers, both licensed and license-exempt, in their ability to provide quality early learning experiences to children.

NEXT STEPS:

Staff anticipates executing a contract with the Child Care Alliance of Los Angeles (CCALA) for an amount not to exceed \$250,000 for the period of 16 months.

Following Up: Home-Based Child Care Strategy

Becca Patton, Director
Gina Rodríguez, Program Officer
Kevin Dieterle, Senior Program Officer

Early Care & Education

September 9, 2021



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Agenda for Today

Development of our strategy:

- Context of home-based child care (HBCC)
- Share how Commissioner feedback was incorporated into HBCC strategy
- Overview our current thinking

Administrative actions required to start work:

- Action on Strategic Partnership with CCALA
- Action on Contract to launch the HBCC Landscape Analysis



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Objectives for Our Strategy

- Improve understanding of HBCC, especially Family Child Care (FCC) and Family, Friend, and Neighbor Care (FFN)
- Identify how First 5 LA can impact public systems changes to support HBCC providers
- Improve HBCC providers' ability to provide quality early learning experiences and improve outcomes for children



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Home-based Child Care Context

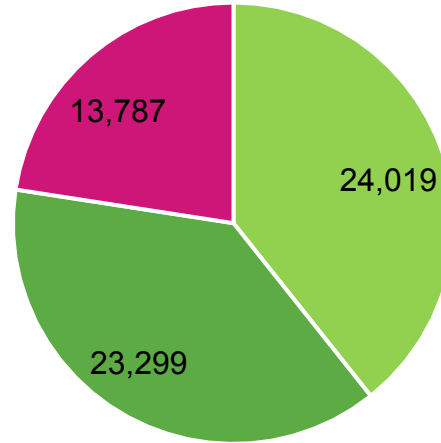
- Home-based child care includes licensed family child care providers and license-exempt family, friend, and neighbor (FFN) care, all of whom may or may not have state-subsidized payments.
- Infant/toddler care, the age group for whom lack of child care is particularly acute, is disproportionately served by home-based care providers.
- The majority of publicly-funded child care supports have historically focused on center-based child care.
- HBCC providers do not have equitable access to the resources necessary to provide the highest quality of care.

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Subsidized Care in Los Angeles County

The subsidized care system in LA County is a home-based care system.

Children in Subsidized System



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■ FFNs ■ FCCs ■ Centers

Context: Our Strategy

- Given the unique context of HBCC providers, we want to improve understanding of HBCC, especially FCC and FFN
- Identify how First 5 LA can impact public systems changes to support home-based child care providers
- Improve HBCC providers ability to provide quality early learning experiences and improve outcomes for children

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Where we are...

- At the June PPC Meeting team presented strategy
- Received feedback from Commissioners at PPC meeting and in subsequent conversations
- Refined approach based on input



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Revised Strategy Based on Feedback

What we heard	Refinements/Clarifications
Lack of clarity of sequencing/ lack of strategy milestones	Added phases to the strategy
Lack of clarity of First 5 LA's role	First 5 LA is leading the strategy; Alliance is first contracted partner
Terms of Strategic Partnership are unclear	<ul style="list-style-type: none">• 5-year Strategic Partnership allows staff procurement authority with the Alliance for relevant work for up to 5-years and not to exceed \$5,000,000• Initial contract is for 16 months and not to exceed \$250,000• All subsequent contracts and materials in excess of the Executive Director's contracting authority will be brought to Board for approval prior to execution
Broaden diversity of partners engaged in HBCC strategy	Launching Provider Advisory Group, tiering partner engagement, and adding community briefings

Revised Strategy Based on Feedback

What we heard	Refinements
Clarify alignment with other First 5 LA initiatives	Working closely with Communities, Health, Families, and the Office of Government Affairs and Public Policy (OGAPP)
Increase community engagement	Prioritizing Best Start Communities, exploring partnership with Regional Network Grantees, and utilizing Parent Survey Panel
Demonstrate alignment to County efforts	Working closely with colleagues to monitor and align efforts when possible
Create more comprehensive supports for families outside of home-based child care	Partnering with groups and entities who focus on family supports

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Overview of Home-Based Child Care Strategy

- Phase 1: Launch landscape analysis and Provider Advisory Group.
- Phase 2: Complete and learn from landscape analysis to further inform strategy, partners, and design.
- Phase 3: In partnership with key stakeholders decide on various strategies to pilot and test, prioritizing integration with existing funding streams and systems.
- Phase 4: Compile lessons learned from pilots and decide which can be successfully integrated into the existing systems.
- Phase 5: With partners create sustainable systems change and inform policy priorities.

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Phase 1: Landscape Analysis and Provider Advisory Group

- Child Care Alliance of Los Angeles as a Strategic Partner, giving us procurement authority for up to 5 years
- First 5 LA staff working on developing the Provider Advisory Group this Fall
- As we learn more, we will continue to contract with other entities to execute on our strategy



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Action for Today

5-year Strategic Partnership allows staff procurement authority with the Alliance for relevant work for up to 5-years and not to exceed \$5,000,000.

Authorize staff to enter into 16-month initial contract not to exceed \$250,000.



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Next Steps

- Utilize expertise to build First 5 LA Internal Capacity (ECE Team, Integrated Teams)
- Support and Technical Assistance for ECE Provider Advisory Group
- Launch Landscape Analysis

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Questions & Discussion



FIRST 5 LA

SUBJECT:

Establish a Temporary Location for Regular Meetings of the Commission and Board Committees During the Capital Improvement Project

RECOMMENDATION:

Adopt Resolution No. 2021-06, **A RESOLUTION OF THE LOS ANGELES COUNTY CHILDREN AND FAMILIES FIRST PROPOSITION 10 COMMISSION ESTABLISHING A TEMPORARY LOCATION FOR REGULAR MEETINGS OF THE BOARD AND BOARD COMMITTEES**

BACKGROUND:

Government Code Section 54954 requires that the location for regular meetings of local public agency legislative bodies be designated by formal action of that body. The purpose of this action is to designate a temporary location for meetings of the Board and committees starting in October of 2021 while First 5 LA's Capital Improvement Project ("CIP") is underway, because the existing meeting location will be temporarily unavailable.

DISCUSSION:

Prior to the pandemic, for many years, this Board has met in person in the Multi-Purpose Room (MPR) at First 5 LA's headquarters building on Alameda Street. In-person meetings will likely resume following the expiration of Governor Newsom's Executive Order allowing remote meetings, when it expires on September 30, 2021. As the CIP is underway, our interior and exterior renovations of the building make it infeasible to hold public meetings on-site.

First 5 LA staff have made arrangements to hold meetings at the California Endowment building, located at 1000 Alameda Street. Staff recommends that the Board designate the California Endowment as the temporary site for Board and committee meetings going forward. Once the MPR is ready for public meetings again, this resolution authorizes the Executive Director to determine when circumstances permit that return, without further action by the Board. To reduce the number of people in a meeting room, some First 5 LA staff may attend meetings remotely.

Given the often-changing status of pandemic-related restrictions, this resolution also authorizes the Executive Director, in consultation with legal counsel, to make decisions regarding meeting locations and meeting logistics to respond to any future executive orders or legislative changes regarding public meetings.

RECOMMENDATION:

Staff and legal counsel recommend that the Board adopt Resolution No. 2021-06, **A RESOLUTION OF THE LOS ANGELES COUNTY CHILDREN AND FAMILIES FIRST PROPOSITION 10 COMMISSION ESTABLISHING A TEMPORARY LOCATION FOR REGULAR MEETINGS OF THE BOARD AND BOARD COMMITTEES**

RESOLUTION NO. 2021-06

**A RESOLUTION OF THE LOS ANGELES COUNTY CHILDREN
AND FAMILIES FIRST PROPOSITION 10 COMMISSION ESTABLISHING A TEMPORARY LOCATION
FOR REGULAR MEETINGS OF THE BOARD AND BOARD COMMITTEES**

The Board of Commissioners of the Los Angeles County Children and Families First Proposition 10 Commission (“the Commission”) hereby resolves as follows:

Whereas, pursuant to Governor Newsom’s Executive Order N-29-20, the Board of Commissioners (“Board”) and Board committees have met virtually since April of 2020 in order to comply with state and local stay at home orders in response to the COVID-19 pandemic; and

Whereas, Executive Order N-29-20 expires on September 30, 2021; and

Whereas, First 5 LA has started a capital improvement project at its headquarters building that will make it impossible to hold meetings of the Board and committees in the normal location; and

Whereas, the Board of Commissioners intends to designate a temporary location for future meetings of the Board and committees, pursuant to the requirements of Government Code Section 54954(a).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. As of October 1, 2021 regular meetings of the Board and committee meetings shall temporarily be held at the following location:
**California Endowment
1000 Alameda Street
Los Angeles, California 90012**
2. The Executive Director and staff shall publicize the physical location of such meetings, and shall give notice as required by law. The Executive Director and staff may exercise discretion to facilitate and encourage remote participation by staff and the public in order to promote social distancing, if permitted by law.
3. To the extent the Board’s Bylaws or any other policy are inconsistent with this Resolution, such document is temporarily amended while this Resolution is in effect.
4. The Executive Director shall have the discretion to designate a different location for committee meetings or special meetings of the Board, and to determine when regular meetings of the Board shall return to the First 5 LA building.
5. The Executive Director, in consultation with legal counsel, is hereby authorized to take such actions as she deems necessary to respond to legislative or executive action changes that affect meetings of the Board or committees or the rules for public participation.
6. The executed copy of this Resolution shall be retained on file as evidence of the Board’s action herein.

**PASSED, APPROVED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2021 BY THE FOLLOWING
VOTE:**

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

Sheila James Kuehl
Chair, First 5 LA

ATTEST

Kim Belshé
Executive Director