CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12725-12729

12725. This chapter may be cited as the California Community Services Block Grant Program.

12726. (a) The purpose of this chapter is to provide authorization for the Governor of the State of California to assume responsibility for the Community Services Block Grant (Subtitle B, Title VI, Public Law 97-35, as amended), and to further provide for the state to implement this block grant in conformity with the principles, purposes, and policies of the California Community Services Block Grant Program set forth herein.

(b) The Legislature intends that the California Community Services Block Grant Program shall be governed by the principle of community self-help, thereby promoting new economic opportunities for Californians living in poverty through well planned, broadly based and locally controlled programs of community action.

12727. All activities of the California Community Services Block Grant Program state and local grantees shall have the following basic and specific purposes:

(a) The basic purpose of this chapter is to stimulate an effective concentration of all available local, state, private, and federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas to attain the skills, knowledge, and motivations and to secure the opportunities needed for them to become fully self-sufficient.

(b) The specific purposes of this chapter are to promote, as methods of achieving an effective concentration of resources on the goal of individual and family self-sufficiency, the following:

(1) The strengthening of community capabilities for planning and coordinating federal, state, private, and other assistance related to the elimination of poverty, so that this assistance, through the efforts of local officials, organizations, and interested and affected citizens, can be made more responsive to local needs and conditions.

(2) The coherent organization of a range of services related to the needs of the poor, so that these services may be made more effective and efficient in helping families and individuals to overcome poverty-related problems in a way that takes into account, and supports, their progress in overcoming identified causes of poverty.

(3) The implementation, subject to adequate evaluation, of new types of services and innovative approaches toward eliminating causes of poverty, so as to develop increasingly effective methods of employing available resources.

(4) Maximum feasible participation of members of the groups and residents of the low-income areas to be served by programs and projects in the development and implementation of those programs and projects, in order to assure that all programs and projects are meaningful to, and widely utilized by, their intended beneficiaries.

(5) The broadening of the resource base directed towards the elimination of poverty, so as to secure, in addition to the services and assistance of public officials, private religious, charitable, and neighborhood organizations, and individual citizens, a more active role for business, labor, and professional groups able to provide employment opportunities or otherwise influence the quantity and quality of services of concern to the poor.

(c) It is the finding of the Legislature that these state purposes and the intent of the federal Community Services Block Grant will best be served by enacting the program policies and requirements contained in this chapter.

12728. Notwithstanding any other provision of law, the provisions of this chapter shall supersede and prevail over any provisions of law relating to or in any way dealing with the subject matter of this chapter or federal economic opportunity programs which were repealed by federal Public Law 97-35, as amended.

12729. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12730

12730. For the purposes of this chapter:
(a) "Director" means the Director of the Department of Economic Opportunity.
(b) "Delegate agency" means a private nonprofit organization or public agency which operates one or more projects funded under this chapter pursuant to a contractual agreement with an eligible grantee.

(c) "Department" means the Department of Economic Opportunity as constituted pursuant to Article 8 (commencing with Section 12085) of Chapter 1.
(d) "Designation" means the formal selection of a proposed community action agency by a political subdivision or the director, as provided in Section 12750. 1.
(e) "Eligible entity" means an agency or organization as defined in Public Law 97-35, as amended.
(f) "Eligible beneficiaries" means all of the following:
(1) All individuals living in households whose income is at or below the official poverty line as defined by the United States Office of Management and Budget.
(2) All individuals eligible to receive aid to families with dependent children (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code) or federal supplemental security income benefits (Title XVI, Social Security Act).
(3) Residents of a target area or members of a target group having a measurably high incidence of poverty and which is the specific focus of a project financed under this chapter.
(g) "Financial assistance" means money provided to a grantee or contractor, pursuant to an approved contract agreement, in order to enable the grantee or contractor to accomplish its planned and approved work program.
(h) "Political subdivision" shall generally be deemed to mean county government, with the following exceptions:
(1) In any county which prior to October 1, 1981, had more than one designated community action agency, each unit of local government which contained a designated community action agency shall continue to operate as a "political subdivision" under this chapter.
(2) Any county having fewer than 50,000 population according to the 1980 census may be deemed by the department to be part of a larger "political subdivision" comprising two or more counties if the department determines that to do so would but serve the purposes of this chapter, and may participate in the designation process for a multicounty community action agency.
(i) "Recognition" means approval by the department of a community action agency to serve a particular community, such recognition to follow designation of that agency by one or more political subdivisions.
(j) "Secretary" means the Secretary of the United States Department of Health and Human Services.
(k) "Special consideration," pursuant to the requirements of Section 675 (c) (4) of Public Law 97-35, as amended, means all of the following:
(1) That no new or repeated designation shall be required of any

political subdivision which had a designated community action agency on August 13, 1981.

(2) That no community action agency shall be determined to be out of compliance with program or fiscal requirements established by the state until such requirements are published for review and comment and until, in the case of requirements differing from those of the now defunct federal Community Services Administration, community action agencies are afforded a reasonable opportunity to comply therewith.

(l) "Standards of effectiveness" are the general standards, derived from the purposes of this chapter, toward which all programs and projects funded under this chapter shall be directed and against which they will be assessed.

(m) "Statement of grant action" means the written document incorporating the terms and conditions under which the department agrees to provide financial assistance to a grantee. Upon its cosigning by authorized agents of the department and the grantee, and subsequent approval by the Department of General Services pursuant to Section 14780, a statement of grant action shall be deemed to constitute a valid, enforceable contract.

(n) "State plan" means the plan required to be submitted annually to the secretary to secure California's allotment of Community Services Block Grant funds, which shall be prepared and reviewed pursuant to the requirements of this chapter.

(o) "Uncapped area" means any county or portion thereof for which no community action agency has been designated and recognized.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **12735**-12738

12735. (a) On or before September 15 of each year, the Governor shall submit an application containing the assurances and certification required under Section 12736 to the secretary in such form as the secretary may require pursuant to Section 674 of federal Public Law 97-35, as amended.

(b) Since under the terms of federal Public Law 97-35, as amended, the secretary may not prescribe the manner in which states shall comply with the provisions set forth in subdivision (a), it is the intent of the Legislature that California's manner of compliance shall be controlled in the first instance by this chapter, and further by the annual state plan and such regulations as may be promulgated by the department, pursuant to the Administrative Procedure Act.

(c) The state administering agency for the California Community Services Block Grant Program shall be the Department of Economic Opportunity.

12736. For the purposes of Section 12735, the application shall contain assurance and certification that the state shall comply with all of the items listed below. The application shall include information as to how each assurance will be carried out.

(a) Conduct legislative hearings on the proposed use and distribution of Community Services Block Grant funds prior to the submission of each application.

(b) Use Community Services Block Grant funds as provided in Section 12745.

(c) Use not less than 90 percent of the Community Services Block Grant funds allotted to the state to make grants to agencies which meet the provisions of Public Law 97-35, as amended.

(d) Expend not more than 5 percent of the state's allotment for administrative costs at the state level.

(e) Assure that any community action agency or migrant and seasonal farmworker organization which received funding in the previous fiscal year under this chapter shall not have its present or future funding terminated pursuant to this chapter unless, after notice and opportunity for hearing on the record, the department determines that cause existed for such termination, subject to review by the secretary as provided in Section 676A of Public Law 97-35, as amended.

(f) Give special consideration in the designation of local community action agencies to any community action agency which was receiving funds under any federal antipoverty program on the date of the enactment of federal Public Law 97-35, except that the state shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the state. If there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the state shall give special consideration in the designation of community action agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds in the fiscal year preceding the

fiscal year for which the determination is made.

(g) Decline to avail itself of permission to transfer Community Services Block Grant funds, not to exceed 5 percent of the state's allotment, to other specified programs.

(h) Prohibit any political activities in accordance with Section 675(e) of federal Public Law 97-35, as amended.

(i) Prohibit any activities to provide voters and prospective voters with transportation to the polls or provide similar assistance in connection with an election or any voter registration activity.

(j) Provide for coordination between antipoverty programs in each community, where appropriate, with emergency energy crisis intervention programs under Title XXVI of federal Public Law 97-35, as amended, (relating to low-income home energy assistance) conducted in such community.

(k) Provide that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursal of and accounting for federal funds paid to the state under this chapter, including procedures for monitoring the assistance provided under this chapter, and provide that at least every year the state shall prepare, in accordance with Public Law 98-502 (Single Audit Act of 1984), an audit of expenditures under this chapter of amounts received under the Community Services Block Grant and amounts transferred to carry out the purposes of the Community Services Block Grant.

(l) Permit and cooperate with federal investigations undertaken in accordance with Public Law 97-35, as amended.

12738. The Department of Economic Opportunity may make grants and enter into contracts as necessary and appropriate to carry out its responsibilities under this chapter.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12740-12742

12740. Each year, the department shall prepare an annual state plan for the California Community Services Block Grant Program which shall include all of the following:

(a) A statement of goals and objectives.

(b) Information on the types of activities to be supported, geographic areas to be served, and categories or characteristics of individuals to be served.

(c) The criteria and method established for the distribution of funds, including details on how the distribution of funds will be targeted on the basis of need.

(d) A description of how the state plan for the previous program year has met the goals, objectives and needs identified in the prior year's annual state plan through the use of funds in that program year.

(e) A description of the process by which the annual state plan has been developed, distributed and reviewed by both the general public, groups and individuals with an interest in the state's Community Services Block Grant Program, and the Legislature.

(f) An explanation of how critical comment was received, reviewed and either incorporated or rejected by the department prior to final submission of the annual state plan.

(g) The department's most current information regarding the projected federal Community Services Block Grant allocation to the state.

(h) A report of current and planned expenditures of discretionary funds.

12741. The state's planning process shall include the following:

(a) The annual state plan shall identify eligible activities and the eligible entities which will conduct those activities in order to meet the general goals of the California Community Services Block Grant Program and the specific goals of the program. The plan shall, particularly with respect to subdivision (d) of Section 12740, reflect the aggregate of local plans in order to fairly represent the most essential characteristic of the California Community Services Block Grant Program, which is its adherence to the principle of community self-help.

(b) The appropriate policy committees of the Assembly and Senate shall conduct public hearings on the proposed use and distribution of funds provided under the California Community Services Block Grant Program. Prior to the hearing, the department shall forward to the policy committees a list of the activities it has identified as statewide priorities pursuant to subdivision (e) of Section 12745, in order to notify the Legislature and the public of the issues to be addressed by the department at the hearing. The chairs of the policy committees may request additional issues to be reported on by the department. The hearings shall be conducted in such a manner as to satisfy the legislative hearing requirement of federal Public Law 97-35, as amended, and to give the Legislature an opportunity to certify that the state plan conforms with the requirements of this chapter. At the discretion of the respective chairs, the policy committees may hold a joint hearing to satisfy the requirements of

this section.

(c) The department shall make adjustments to the annual state plan as a result of public comments presented at the legislative hearing as well as written comments which are submitted to the department. The department shall identify all testimony presented by the poor, and shall state whether the concerns expressed therein have been included in the plan. If any of those concerns have not been included in the plan the department shall specify in the plan the reasons for the rejection of those concerns. Concerns shall only be rejected if there is good cause for the rejection.

(d) The committees conducting the hearings pursuant to subdivision (b) shall determine whether the concerns of the poor have been included in the state plan, as adjusted, or rejected for good cause. Before the final state plan is submitted to the secretary, the chairs of the committees conducting hearings shall certify that the state plan conforms with the requirements of this chapter.

(e) Upon receiving the certification required in subdivision (d), the department shall submit the final state plan by September 15 of each year to the secretary, and shall provide a copy to all grantees and state legislators no more than one week thereafter.

12742. The annual state plan may be amended by the department at any time during the program year, provided that any proposed amendments, together with the reasons therefor, are distributed to all grantees and state legislators for a 30-day comment period commencing at least 45 days prior to their planned date of submission to the secretary.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12745-12747

12745. (a) Eligible activities for which financial assistance may be obtained pursuant to this chapter shall be designed to have a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem. These activities shall be designed to assist low-income participants to do all the following:

(1) Secure and retain meaningful employment.

(2) Attain an adequate education.

(3) Make better use of available income.

(4) Obtain and maintain adequate housing and suitable living environment.

(5) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance.

(6) Remove obstacles and solve problems which block the achievement of self-sufficiency.

(7) Achieve greater participation in the affairs of the community.

(8) Make more effective use of other programs related to the purposes of this chapter.

(b) Additionally, activities shall be designed to do all of the following:

(1) Provide on an emergency basis for the provision of the supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor.

(2) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low-income individuals.

(3) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

(c) Each eligible entity shall, through the local planning process, select and propose for funding the programs or projects which, in its judgment, will produce the maximum impact on its community.

(d) Entities eligible for funding under Article 9 (commencing with Section 12775) are limited purpose agencies which need not respond to the broad range of eligible activities but may provide specialized training, technical assistance and support services to enhance the effectiveness of community action programs, migrant and seasonal farmworker programs, and American Indian programs.

(e) The department may prescribe statewide priorities among eligible activities or strategies which shall be considered and addressed in the local planning process and described in the local plan submitted to the state. Each local grantee shall be authorized to set its own program priorities in conformance to its own determination of local needs.

(f) If no other entity in the community provides those services, grantees under Article 6.(commencing with Section 12750), Article 7 (commencing with Section 12765), or Article 8 (commencing with Section 12770) shall provide a minimum level of services to help the poor receive the benefits for which they are eligible under health,

food, income, and housing assistance programs designed to meet the basic survival needs of the poor. These services shall include, but shall not be limited to, all of the following:

(1) A service to help the poor complete the various required application forms, and, when necessary and possible, to help them gather verification of the contents of completed applications.

(2) A service to explain program requirements and client responsibilities in programs serving the poor.

(3) A service to provide transportation, when necessary and possible.

(4) A service which does all things necessary to make the programs accessible to the poor, so that they may become self-sufficient.

(g) Standards of effectiveness to be addressed in setting goals and assessing accomplishments are:

(1) Strengthened community capabilities for planning and coordinating so as to insure that available assistance related to the elimination of poverty can be more responsive to local needs and conditions.

(2) Better organization of services related to the needs of the poor.

(3) Maximum feasible participation of the poor in the development and implementation of all programs and projects designed to serve the poor.

(4) Broadened resource base of programs directed to the elimination of poverty so as to include all elements of the community able to influence the quality and quantity of services to the poor.

(5) Greater use of new types of services and innovative approaches in attacking causes of poverty, so as to develop increasingly effective methods of employing available resources.

(6) Maximum employment opportunity, including opportunity for further occupational training and career development for residents of the area and members of the groups served.

12747. (a) Local plans shall be developed each year by eligible entities using processes which assess poverty-related needs, available resources, and feasible goals and strategies, and which yield program priorities consistent with standards of effectiveness established for this program. Local plans shall identify eligible activities to be funded in the program service areas and the needs which each activity is designed to meet. Local plans shall provide for the contingency of reduced federal funding.

(b) All eligible entities shall submit their grant applications, including local plan and report of the public hearing, if required, to the department no later than June 30 of each year.

(c) Each eligible entity not serving a statewide area shall conduct a local public hearing for the purpose of reviewing the local plans of all eligible entities located or operating within a political subdivision served or proposed to be served pursuant to this chapter.

(d) Agencies holding hearings pursuant to this article shall identify all testimony presented by the poor, and shall determine whether the concerns expressed by that testimony have been addressed in the plan. If the agency determines that any of these concerns have not been included in the plan, it shall specify in its response to the plan information about those concerns and comment as to their validity.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **12750-12763**

12750. (a) A community action agency shall be a public or private nonprofit agency which fulfills all of the following requirements:
(1) Has been designated by a political subdivision or combination of political subdivisions to operate a community action program.
(2) Has a tripartite board structure meeting the requirements of Section 12751.
(3) Has the power, authority, and capability to plan, conduct, administer, and evaluate a community action program, including the power to enter into contracts with other public and private nonprofit agencies and organizations to assist in fulfilling the purposes of this chapter.
(4) Is recognized by the department as a community action agency.

(b) A community action program is a locally planned and operated program comprising a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem.
(c) Component services and activities of a community action program may be administered directly by the community action agency, or by other agencies pursuant to delegation agreements. They may be projects eligible for assistance under this chapter, or projects assisted from other public or private sources, and they may be either specially designed to meet local needs, or designed pursuant to the eligibility standards of the state or federal program providing assistance to a particular kind of activity which will help in meeting those needs.
(d) For the purpose of this chapter, a community may be a city, county, multicity or multicounty unit, which provides a suitable organizational base and possesses the commonality of interest needed for a community action program.

12750.1. (a) No new community action agency may be designated by a political subdivision which is served by an existing community action agency unless any of the following exist:
(1) The political subdivision is informed in writing by the director that the designated community action agency has failed to comply, after having a reasonable opportunity to do so, with the requirements of this chapter.
(2) The political subdivision is informed by its designated community action agency that because of changes in assistance furnished to programs to economically disadvantaged persons it can no longer operate a satisfactory community action program.
(3) The political subdivision is petitioned by significant numbers of eligible beneficiaries to reconsider its existing designation and, based on that reconsideration, determines to designate an alternate community action agency.
(b) In the event that the designation of an existing community action agency is revoked, the political subdivision shall have a period of 90 days after the effective date of the revocation to designate a new community action agency. If the political

subdivision fails to designate a new community action agency within that period, the director may designate a new community action agency.

(c) New community action agency designations may be made by political subdivisions or combinations of political subdivisions in uncapped areas provided that the community to be served has a population of at least 50,000 as determined by the Bureau of Census from the most recent available census or survey. The director may waive the general requirement that the community to be served have a population of at least 50,000 in those instances where no practical grouping of contiguous political subdivisions can be made in order to meet that requirement.

(d) A private nonprofit agency which serves an uncapped political subdivision or combination of political subdivisions having more than 50,000 population where the political subdivision or subdivisions have refused to designate a community action agency, shall be entitled to petition the office for state designation as a community action agency, provided it has a governing board meeting community action agency requirements and has the capability to plan, conduct, administer, and evaluate a community action program.

(e) The process for designation and recognition of a new or alternate community action agency shall include all of the following:

(1) Notice of intent to designate.

(2) Public hearings.

(3) Legislative passage of an act, ordinance, or resolution of designation by the governing officials of the political subdivision or subdivisions.

(4) Submission to the department of an application for recognition.

(5) Review of application.

(6) Granting of recognition.

12750.2. For purposes of serving any area of the state in which community action programs cease to be provided, the director shall designate an organization in accordance with Section 673(1) of Public Law 97-35, as amended.

12751. Each community action agency shall have a board of directors conforming to the following requirements:

(a) One-third of the members of the board are elected public officials, currently holding office, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting this requirement.

(b) At least one-third of the members are persons chosen in accordance with democratic selection procedures outlined in regulations promulgated by the department to assure that the members represent the poor in the area served.

(c) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community.

12752. The powers of the tripartite governing board of the nonprofit community action agency shall include the power to appoint

the executive director, to determine major personnel, fiscal, and program policies, to approve overall program plans and priorities, and to assure compliance with conditions of and approve proposals for financial assistance under this chapter.

12752.1. (a) If a political subdivision or local **government** establishes itself as a community action agency, it shall do all of the following:

(1) Establish a tripartite board to provide input to the political subdivision or local **government** regarding the activities of the community action agency.

(2) Share with its tripartite board the determination of the community action agency's program plans and priorities.

(3) Provide for the participation of the administering board in the selection of the executive director of the community action agency, unless prohibited by local law, city charter, or civil service procedure.

(b) The political subdivision or local **government** may, consistent with general and local law, delegate any or all of the following powers to the administering board:

(1) To determine its own rules and procedures and to select its own officers and executive committee.

(2) To determine, subject to the ratification of designating officials, the community action agency's major personnel, organizational, fiscal, and program policies.

(3) To approve, subject to the ratification of designating officials, all program proposals, budgets and delegate agency agreements.

(4) To oversee the extent and the quality of the participation of the poor in the programs of the community action agency.

12753. (a) The board of directors of each community action agency shall adopt procedures to provide a continuing and effective mechanism for securing broad community involvement in programs assisted under this act and that all groups or elements represented on those boards have a full and fair opportunity to participate in decisions affecting those programs.

(b) Community action agencies shall establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the community administering board or governing board may petition for adequate representation.

12754. In exercising its powers and carrying out its overall responsibility for a community action program, a community action agency shall have, subject to the purposes of this chapter, at least the following functions:

(a) Planning systematically for and evaluating the program, including actions to develop information as to the problems and causes of poverty in the community, determine how much and how effectively assistance is being provided to deal with those problems and causes, and establish priorities among projects, activities, and areas as need for the best and most efficient use of resources.

(b) Encouraging agencies engaged in activities related to the community action program to plan for, secure, and administer

assistance available under this chapter or from other sources on a common or cooperative basis; providing planning or technical assistance to those agencies; and generally, in cooperation with community agencies and officials, undertaking actions to improve existing efforts to overcome poverty.

(c) Initiating and sponsoring projects responsive to needs of the poor which are not otherwise being met.

(d) Establishing effective procedures by which the poor and area residents concerned will be enabled to influence the character of programs affecting their interests, providing for their regular participation in the implementation of those programs, and providing technical and other support needed to enable the poor and neighborhood groups to secure on their own behalf available assistance from public and private sources.

(e) Joining with and encouraging business, labor, and other private groups and organizations to undertake, together with public officials and agencies, activities, in support of the community action program which will result in the additional use of private resources and capabilities, with a view to such things as developing new employment opportunities, stimulating investment that will have a measurable impact in reducing poverty among residents of areas of concentrated poverty, and providing methods by which residents of those areas can work with private groups, firms, and institutions in seeking solutions to problems of common concern.

12756. Every community action agency has a fundamental responsibility to encourage, assist, and strengthen the ability of the poor in the areas served by the community action agency to play major roles in the organization; program planning; goal setting; determination of priorities; decisions concerning budgeting and financial management; key decisions concerning hiring of personnel, selection criteria, personnel policies, and career development programs; and evaluation of programs affecting their lives. The fundamental responsibility of the community action agency includes:

(a) Seeking and bringing about ways to improve its own effectiveness as a channel through which the poor, local government and private groups can communicate, plan and act together in partnership. In such a partnership, the poor shall have a strong voice or role, both directly and through representatives whom they have chosen.

(b) Providing the representatives of the poor serving on the board of directors of the community action agency with the tools and the support, including guidance, training, and staff assistance, which will permit them to participate meaningfully in the affairs of the community action agency, and in all of its programs and delegate agencies.

(c) Encouraging the development of effective local organizations established and controlled by residents of poverty neighborhoods and areas. Community action agencies are expected to provide training, technical assistance, and staff resources to enable the poor to develop, administer, and participate effectively in local area programs and to enter into the broader community discussion of poverty problems and solutions.

(d) Providing employment for poor persons in all phases of the community action program.

(e) Continually ensuring that delegate agencies involve poor persons in the planning, conduct, and evaluation of delegated programs.

(f) Working for the acceptance by other public and private agencies and organizations serving the community of effective and growing involvement of the poor in the planning, conduct and evaluation of all activities which affect them and their inclusion in career jobs in the agencies.

12757. Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of the area and shall assure adequate opportunity for membership of elected public officials on such board, council, or agency.

12759. (a) The director shall reserve an amount of funds that bears the same relationship to the total funds available for community action programs as the number of persons living in households at or below the poverty level in uncapped areas of the state bears to the total number of those persons living in the state, as reported in the most recent available census.

(b) (1) Each community action agency that qualified or could have qualified for the minimum funding guideline under former Community Services Administration policies shall receive a minimum level of funding to ensure that it will be capable of operating a community action program.

(2) Beginning with the 2003 federal Community Services Block Grant award to California, the minimum level of funding required by paragraph (1) shall equal fifty-five hundredths of 1 percent of the state community action agency network allocation.

(3) Beginning with the 2004 federal Community Services Block Grant award to California, the minimum level of funding required by paragraph (1) shall equal six-tenths of 1 percent of the state community action agency network allocation.

(c) The levels of minimum funding in subdivision (b) shall be funded from increases in federal Community Services Block Grant funds or, at the discretion of the director, from Community Services Block Grant discretionary funds. If these sources are not sufficient to achieve the increases required under subdivision (b), the phase-in of new levels shall continue until the levels required under subdivision (b) are reached. No community action agency shall have its allocation reduced below the level allocated to it from the 2002 federal Community Services Block Grant award to California in order to establish the levels of minimum funding in subdivision (b).

(d) Before January 1, 2005, the state community action agency network shall review and analyze the minimum funding issue with the objective of proposing an equitable methodology for making appropriate adjustments in the future.

(e) The director shall assure that financial assistance to community action programs is distributed on an equitable basis. In each program year, the director shall proportionately adjust the funding guidelines so as to achieve equity in funding allocations. Equity shall be determined on the basis of a comparison of the number of persons living in households that have an income at or below the poverty level in each political subdivision served by a community action agency, relative to the total number of low-income persons

residing in capped areas of the state, as reported in the most recent available census.

(f) If the total level of federal Community Services Block Grant funds is reduced more than 3.5 percent below the amount appropriated in the annual Budget Act, subdivision (e) shall not be operative, and all agencies shall be reduced by an equal percentage, which shall be that percentage in excess of 3.5 percent.

(g) It is the intent of the Legislature that the allocation formula specified in this section shall not be used as a template for other funding distributions.

(h) Notwithstanding subdivision (b), for the 2002-03 fiscal year, all eligible entities currently in good standing in the California Community Services Grant Program shall receive an increase in funding for the 2002 program year that is proportionate to the increase provided in the 2002 federal Community Services Block Grant to the state.

12760. Community action agencies funded under this article shall coordinate their plans and activities with other eligible entities funded under Articles 7 (commencing with Section 12765) and 8 (commencing with Section 12770) which serve any part of their communities, so that funds are not used to duplicate particular services to the same beneficiaries and plans and policies affecting all grantees under this chapter are shaped, to the extent possible, so as to be equitable and beneficial to all grantees and the populations they serve.

12761. A community action agency shall not use any funds received under this article to replace discontinued state or local funding.

12763. Notwithstanding Section 1090, a member may vote on any matters before a community development district board, as provided for in the Housing and Community Development Act of 1974 (Pub. L. 93-383), except those which have a direct bearing on services to be provided by that member (or any business or organization which that member directly represents) or which would financially benefit the member or the business or organization which the member directly represents.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION **12765**-12768

12765. The purpose of this article is to assist migrant and seasonal farmworkers and their families to achieve a greater degree of self-sufficiency within or outside the agricultural industry, or both, including, but not limited to: skills training and increasing employment stability; economic development activities that will continue to provide grantees with revenue to provide necessary services to the farmworker poor; and program assistance services, as specified in Section 12767, with highest priority given to the support of program activities with the greatest potential for successfully promoting self-sufficiency.

12767. Programs assisted under this article may include projects or activities to do any of the following:

(a) Meet the immediate needs of migrant and seasonal farmworkers and their families, such as day care for children and elderly persons, education, health services, improved housing and sanitation, including the provision and maintenance of emergency and temporary housing and sanitation facilities, legal advice and representation, and consumer training and counseling, and assistance in processing applications for legalization and citizenship.

(b) Promote increased community acceptance of migrant and seasonal farmworkers and their families.

(c) Equip unskilled migrant and seasonal farmworkers and members of their families, as appropriate, through education, training, and developmental programs to meet the changing demands in agricultural employment brought about by technological advancement and economic exigencies, and to take advantage of opportunities available to improve their well-being and self-sufficiency by gaining regular or permanent employment or by participating in available federally assisted employment or training programs.

(d) Provide such other services as are permissible under Section 12745 with specific focus on the needs of migrant and seasonal farmworkers and their families.

12768. Migrant and seasonal farmworker program grantees shall coordinate their plans and activities with other grantees funded by the department to avoid duplication of services and to maximize services for all eligible beneficiaries.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12770-12773

12770. (a) The purpose of this article is to set aside funds for assisting American Indians and Alaskan Natives residing in off-reservation and reservation areas of this state to achieve a greater degree of self-sufficiency through the principles of community self-help.

(b) Allocation of funds under this article shall be consistent with the sovereign legal status of federally recognized tribes as dependent nations within the United States, consistent with the specific rights accorded other tribes and tribal organizations by the federal **government** and consistent with the fiduciary responsibilities of the United States **government** for Indian people.

Tribes shall be entitled to receive a share of the total funds made available pursuant to this article which is commensurate with the number of low-income American Indians and Alaskan Natives residing in their reservation areas.

(c) Off-reservation American Indian programs shall be entitled to receive a share of the total funds made available pursuant to this article which is commensurate with the number of low-income American Indians and Alaskan Natives residing in the off-reservation areas and shall be consistent with and cognizant of the needs of off-reservation American Indians and Alaskan Natives residing in this state.

12771. These set-aside funds shall be used to implement programs consistent with the purposes of this chapter and as are permissible under Section 12745 with specific focus on the special needs of American Indians and Alaskan Natives and their families.

12772. American Indian grantees shall be limited to tribes and other Indian organizations in urban or rural off-reservation areas who demonstrate community governance, such as Indian nonprofit organizations, who meet the criteria of eligible entity as defined in subdivision (e) of Section 12730. In a county having a population of over 7,000,000 persons, the County Community Action Agency may serve as the grantee if (1) requested to serve in this capacity by a commission composed of representatives of American Indian beneficiaries in that county and (2) the board of supervisors of the county shares grant allocation authority with an appropriate American Indian entity. American Indian programs funded under this article shall coordinate their plans and activities with other grantees funded by the department to avoid duplication of services and to maximize services for eligible beneficiaries.

12773. American Indian grantees funded by the department and operating under authority of this chapter in the prior program year shall have the same protections against defunding as defined in

subdivision (e) of Section 12736.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12775-12776

12775. (a) "Limited purpose agency" means a private nonprofit organization or public agency which in federal fiscal year 1981 received direct funding under Section 221 or 222 of the federal Economic Opportunity Act of 1964 from Region IX of the Community Services Administration, and has operated continuously as a limited purpose agency since 1981.

(b) Limited purpose agencies shall provide such services as are permissible under Section 12745, with specific focus on training, technical assistance, special support programs, or other activities serving eligible beneficiaries.

(c) Limited purpose agencies which are grantees under this article shall comply with appropriate administrative and fiscal requirements of this chapter as a condition of remaining an entity eligible for funding.

(d) Limited purpose agencies funded by the department and operating under authority of this chapter in the prior program year shall have the same protections against defunding as defined in subdivision (e) of Section 12736.

12776. Limited purpose agencies funded under this article shall coordinate their plans and activities with other grantees funded by the department to avoid duplication of services and to maximize services for all eligible beneficiaries.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12780-12781

12780. The powers and responsibilities of the department as the state administering agency for the California Community Services Block Grant Program are to ensure that all applicable federal requirements of Subtitle B of Title VI of Public Law 97-35, as amended, are met and the administrative requirements of this program are clear and uniform, and provide adequate safeguards for the due process rights of grantees and beneficiaries.

12781. The department shall have the following duties:

(a) Development of an orderly grant application process culminating in a prescribed statement of grant action.

(b) Ensuring that grantees will have a timely cash flow within the guidelines of the federal Cash Management Improvement Act of 1990 (P.L. 101-453), as amended. The department shall issue to each grantee an advance payment at the beginning of the contract period equal to 25 percent of the grantee's total contract amount. Payments thereafter shall be equal to expenditures reported on the grantee's financial progress reports, not to exceed the grantee's total contract amount.

(c) Promulgation of uniform grants management standards to include:

(1) Standards for fiscal control and fund accounting that do all of the following:

(A) Require new grantees to be certified by an accountant prior to receiving funding.

(B) Require periodic financial reporting to the office and an annual audit.

(C) Permit a defined range of flexibility from approved budgets and the use of negotiated indirect costs rates.

(D) For the purpose of administrative expenditures, permit a grantee to use funds allocated under this chapter in an amount not to exceed 12 percent of its total operating funds.

(E) Limit the use of funds for construction, as required by federal law.

(2) Minimum standards for procurement to prevent conflict of interest or malfeasance.

(3) Standards regarding property that provide that title to property purchased with funds granted under this chapter or with funds formerly granted pursuant to the federal Economic Opportunity Act of 1964 (Chapter 34 (commencing with Section 2701) of Title 42 of the United States Code) shall vest in the grantee, subject to conditions requiring prudent property management and the provision for disposition of the property among other grantees in the event of closeout.

(4) Standards for termination of financial assistance to a grantee, or revocation of the recognition of a community action agency, for failure to comply with this chapter. The department may suspend or reduce any funding provided to a grantee under this chapter forthwith, if the department finds there is evidence of fraud or illegal use of funds. In the case of substantial noncompliance with the terms and conditions of the statement of grant action or

contract, the department may suspend or reduce funding provided under this chapter after giving the grantee 15 days' written notice.

(5) Standards for withholding recognition of a newly designated community action agency when the director determines that the designated entity does not meet the requirements of this chapter.

(d) Promulgation of regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500), of Part 1) that are necessary and appropriate for the effective administration of this chapter. These regulations shall clearly define all of the following:

(1) The due process rights, including notification, right of appeal, and opportunity for a fair hearing, of grantees, and the procedures to be followed in order to guarantee those rights, in cases of denial of refunding, suspension or termination of funding, or revocation of designation by the department.

(2) The obligation of grantees to provide a fair procedure for clients denied services by grantees.

(3) The requirement that community action agencies select tripartite boards that include persons who represent the poor. These regulations shall ensure that democratic procedures are fully operative and may include criteria for tenure, geographic representation, and election procedures.

(e) Establishment of procedures for orderly closeout of terminated grantees.

(f) Monitoring and periodic evaluation of grantees, using evaluation methods and standards that have been published prior to the evaluation and that provide grantees an opportunity to respond to evaluation findings.

(g) Development of standards to ensure grantees' compliance with federal requirements for public access to records, prohibition of partisan political activities, and nondiscrimination.

(h) Establishment of policies and procedures that ensure freedom of information.

(i) Fostering cooperation among grantees, including providing opportunities for grantees to work together and publishing a directory, that shall be periodically updated, of all grantees under this program and the Low-Income Home Energy Assistance Program (Subchapter II (commencing with Section 8621) of Chapter 94 of Title 42 of the United States Code).

(j) Establishment of procedures for the allocation of the funds available pursuant to subdivision (c) of Section 12759.

(k) Identification and encouragement of linkages with other state departments, local governments or private groups that oversee programs providing resources for low-income persons in order to coordinate existing efforts to overcome poverty.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12785-12787

12785. All Community Services Block Grant funds made available by the Congress shall be used by the state, together with any state funds as may from time to time be appropriated for this program, and any funds as may be transferred to this program from other federal block grants, in accordance with the annual Budget Act.

No transfer of funds is permitted, under any circumstance, from the California Community Services Block Grant Program to any other block grant or program administered by the state or by the federal government.

In the event that diminished federal appropriations for the Community Services Block Grant result in California's share for any fiscal year being reduced by any amount up to 3.5 percent below the amount appropriated in the annual Budget Act, the director shall use the discretionary fund to proportionately restore Community Services Block Grant grantees and contractors to full funding levels.

In the event that diminished federal appropriations for the Community Services Block Grant result in California's share for any federal fiscal year being reduced by 5 percent or more below the amount appropriated in the annual Budget Act, the director and the Department of Economic Opportunity Advisory Commission shall so inform the Speaker of the Assembly and the President pro Tempore of the Senate by letter within 10 days of the congressional action authorizing the diminished appropriations. At the end of the state fiscal year in which the letters were transmitted, the requirements of this section shall be suspended until the Legislature makes a statutory determination regarding the adjustments in fund allocations to be made in response to the above-described contingency.

12786. The state shall set aside up to 5 percent of the total Community Services Block Grant for discretionary use for special projects, training, technical assistance, and special support programs. Entities eligible to receive these discretionary funds shall include, but not be limited to, limited purpose agencies as defined in subdivision (a) of Section 12775, and community-based nonprofit organizations without tripartite boards.

12787. Nothing in this chapter shall be construed to prohibit a grantee under Article 6 (commencing with Section 12750), 7 (commencing with Section 12765), or 8 (commencing with Section 12770), from applying for state discretionary funds, provided that no discretionary funding received by such a grantee shall be used to duplicate services funded pursuant to other provisions of this chapter.

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 12790

12790. This chapter shall remain in effect until the Director of Finance finds that federal Community Services Block Grant funding to the state has been terminated without provision for another program to replace Community Services Block Grant funding and files a report of that finding with each house of the Legislature, and as of the date of that filing is repealed, unless a later enacted statute, which is chaptered before that date, deletes or extends the date.