



**Board of Supervisors
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
J. STEVEN WORTHLEY
District Four
MIKE ENNIS
District Five

AGENDA DATE: June 27, 2017

| | | | | |
|---|-----|-------------------------------------|-----|-------------------------------------|
| Public Hearing Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Scheduled Public Hearing w/Clerk | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Published Notice Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Advertised Published Notice | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Meet & Confer Required | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Electronic file(s) has been sent | Yes | <input checked="" type="checkbox"/> | N/A | <input type="checkbox"/> |
| Budget Transfer (Aud 308) attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Personnel Resolution attached | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s) | Yes | <input type="checkbox"/> | N/A | <input checked="" type="checkbox"/> |
| CONTACT PERSON: Julieta Martinez PHONE: 636-5000 | | | | |

SUBJECT: Good Works Policy

REQUEST(S):

That the Board of Supervisors:
Approve a "Good Works Funding" Policy and Procedure as well as a revised "Good Works Funding" Agreement template and separate agreement template for County Departments' projects.

SUMMARY:

The authority for the use of "Good Works Funds" is found in Government Code section 26227. Government Code section 26227 states that "The board of supervisors of any county may appropriate and expend money from the general fund of the county to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons."

The purpose of the policy and procedure is for the Board of Supervisors to outline certain provisions in regards to how good works funds should be spent as well as outline any protocol for the use of funding. It also allows them to delegate authority to the County Administrative Officer to process and approve funding requests, subject to ratification by the Board.

The revised agreement templates hold additional information in regards to the project/program being funded in order to show the activities being funded fit the necessary criteria as outlined in Government Code section 26227.

SUBJECT: Good Works Policy

DATE: June 27, 2017

FISCAL IMPACT/FINANCING:

N/A

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The Good Works Funding Policy and Agreements supports Tulare County's Strategic Initiatives of Organizational Performance – Continuously improve organization effectiveness and fiscal stability.

ADMINISTRATIVE SIGN-OFF:

Julieta Martinez

Chief of Staff

Cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Good Works Funding Policy and Procedure
Good Works Funding Agreement Template
Good Works Funding Agreement Template – County Department

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

**IN THE MATTER OF GOOD WORKS
POLICY**

)
) **Resolution No.** _____
) **Agreement No.** _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

Approved a "Good Works Funding" Policy and Procedure as well as a revised "Good Works Funding" Agreement template and separate agreement template for County Departments' projects.

"GOOD WORKS FUNDING" POLICY AND PROCEDURE

Government Code section 26227 provides in part that

The board of supervisors of any county may appropriate and expend money from the general fund of the county to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons.

Pursuant to this statutory authority, the Board of Supervisors has for many years annually appropriated a certain amount of funding from the general fund to support small-scale "Good Works" activities in each Supervisor's district. Each supervisor has discretion to identify programs or projects in their district that meet the criteria of section 26227. Once a project is identified, a Supervisor requests that the CAO enter into a Good Works Funding Agreement for the program. The CAO's office reviews the request to ensure compliance with the purposes of the Good Works Funding program, prepares the grant documents for signature, and then later brings these agreements to the Board for ratification.

At this time, the Board intends to formalize this Policy and these procedures, to be revised from time to time, and to further clarify the Board's expectations with respect to Good Works Funding, to ensure that Good Works Funding continues to be used in a responsible manner consistent with all applicable laws.

GOOD WORKS FUNDING POLICY:

- Only projects or programs that meet the requirements of Government Code section 26227, as amended, can be funded through the County of Tulare's Good Works Program. At this time, projects or programs that meet the social needs of the population include, but are not limited to, those projects or programs related to: protecting or improving the health of County residents; improving the quality or availability of law enforcement services; increasing public safety generally, which includes, but is not limited to, after school activities and gang-prevention; providing or improving rehabilitation services; promoting the general welfare, including, but not limited to improving access to healthy recreation opportunities; providing education to or supporting educational services for County residents; providing legal services to County residents; and supporting the needs of physically, mentally and financially handicapped persons and aged persons. The Board reserves the right to provide additional direction on how Good Works Funding should be prioritized during any specific fiscal year.

- The Board has delegated to the CAO the authority to enter into Good Works funding contracts that comply with this policy (no more than \$5,000 per request). These agreements should also be taken to the BOS for ratification within a reasonable period of time.
- The CAO has no authority to enter into any Good Works funding agreements, unless a sufficient amount of Good Works Funds has been appropriated by the BOS from the General Fund to the designated Good Works Funding account (currently, Account Number 001-012-1010-7043).
- As this program is currently administered, requests must be nominated by one or more Supervisor(s) to qualify under the Good Works Funding Program.
 - The CAO will monitor each Supervisor's use of Good Works funding to ensure that the Supervisors' nominated projects remain within their annual allotment.
 - If a request is sponsored by multiple Supervisors, the amount to be counted against each Supervisor's annual Good Works Funding allotment will be the total amount of the request divided by the total number of Supervisors, unless otherwise specified in the request.
 - Supervisors may submit a request to fund an activity or event, even if the event has already been sponsored by another Supervisor during the same fiscal year. However, before approving a second or later request to sponsor an already sponsored event, the CAO's office will notify the requesting Supervisors that another Supervisor has already made a request to sponsor the same project.
- Good Works Funds may not be used for any of the following activities:
 - Activities that would provide a direct personal benefit to any individual different from the benefit conferred upon the general public.
 - Religious activities.
 - Political campaign activities.
- Good Works Funding recipients must have a Tax ID number.
- Requests that are not covered by this Policy must be presented to the Board in advance for approval.

PROCEDURE FOR MAKING AND APPROVING REQUESTS:

1. In general, a department or other public or private entity makes a request for Good Works Funding to a Supervisor/ Supervisors.
2. After obtaining information sufficient to determine that the request complies with Government Code section 26227 and this policy, one or more Supervisors agree(s) to nominate the requested program or project for Good Works Funding. If a Supervisor has any questions about whether an activity would qualify for the Good Works funding program, the Supervisor or Supervisor's staff should consult County Counsel.
3. Drafting the agreement/ form:
 - a. **For Good Works projects or programs sponsored by non-County entities:** the Board of Supervisors' staff prepares a draft contract, on templates approved by County Counsel. If the Board of Supervisors' staff has any questions or concerns

- about the appropriateness of the forms to any specific situations, staff will request assistance from County Counsel.
- i. The Board of Supervisors' staff will transmit the draft contract to the third party for signature by its authorized representatives. Staff shall make it clear in the transmittal letter that funding for the program is not committed until the agreement has been approved by the Auditor-Controller/Treasurer-Tax Collector, the County Counsel's office (if appropriate), and signed by the CAO.
 - ii. The third party entity shall execute and return the contract to the Board of Supervisors staff for further processing.
- b. **For County Department/Agency Good Works Programs:** the Board of Supervisors staff prepares a "Good Works Funding Authorization-County Departments" form.
4. Once the contracts or forms have been drafted (and the third party contract has been signed), the CAO or CAO's staff reviews the proposed Good Works Funding contracts or forms to ensure compliance with Government Code section 26227, as well as this policy. If the proposed projects are determined to meet the requirements, the CAO will sign the agreements. If the CAO has any questions about whether an activity would qualify for the Good Works Funding Program, the CAO will consult County Counsel.
- a. Once a third-party Good Works Funding contract has been signed by the CAO, the CAO's staff or the BOS staff (as appropriate) will submit the contract to the Auditor-Controller/ Treasurer-Tax Collector for approval and issuance of a warrant. Staff will also provide a copy of the fully executed agreement to the third party entity.
 - b. Once a County Department/Agency Good Works Funding Form has been signed by the CAO, the CAO's staff, or the BOS staff (as appropriate) will submit the contract to the Auditor-Controller/ Treasurer-Tax Collector for approval and any necessary accounting/budget procedures.
5. The CAO will bring all Good Works funding requests to the Board of Supervisors for ratification within a reasonable time after CAO's signature. Generally, the Good Works funding approvals from the previous calendar month should be approved at the first BOS meeting of each month.

GOOD WORKS FUNDING AGREEMENT

This agreement (Tulare County Agreement No. _____, or the "Agreement") is made and entered into this ___ day of _____, 20 __, between the COUNTY OF TULARE, a political subdivision of the State of California ("COUNTY") and [insert name of organization] ("RECIPIENT"), tax ID # _____, with reference to the following Recitals:

RECITALS

WHEREAS, California Government Code Section 26227 authorizes the Board of Supervisors to appropriate and expend money from the general fund of the COUNTY to meet the social needs of the population of the COUNTY in, but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally, and financially handicapped persons and aged persons; and

WHEREAS, the Board of Supervisors has adopted a COUNTY policy (the "POLICY") delegating to the County Administrative Officer the authority, within annual budgetary appropriations, to execute agreements for \$5,000 or less with organizations conducting activities that meet the social needs of the population of the COUNTY, pursuant to Government Code section 26227 and the POLICY; and

WHEREAS, RECIPIENT is an organization that provides the following project, program, or services to the people of the COUNTY, as further detailed in the attached Exhibit A (check box if applicable): __

(hereinafter referred to as "COMMUNITY ACTIVITIES"); and

WHEREAS, at the request of Supervisor _____, the County Administrative Officer has evaluated RECIPIENT's COMMUNITY ACTIVITIES and determined that (a) such activities meet the requirements of the POLICY and Government Code section 26227, and (b) there are sufficient budgeted funds available to fund RECIPIENT's COMMUNITY ACTIVITIES in the amount of \$_____.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The Recitals to this Agreement, and Exhibit(s) if applicable, are hereby incorporated and are integral parts of this Agreement.
2. The COUNTY will pay \$_____ to RECIPIENT for the purpose of funding its COMMUNITY ACTIVITIES. Upon receipt of this fully executed Agreement, the County Auditor shall issue a warrant for this same amount to RECIPIENT. Payment will be made to RECIPIENT by warrant, payable to RECIPIENT, and the warrant will be mailed to the following address:

[Name of organization]
c/o
Address
City, Zip, State

3. To comply with the U.S. and California Constitutions, RECIPIENT agrees that the funds received pursuant to this Agreement shall not be used for religious activities, including, but not limited to, prayer, religious instruction, or proselytism, or for political campaign purposes.
4. RECIPIENT agrees to use the funds solely for the purposes identified in this Agreement. If RECIPIENT does not use the funds for said purposes or otherwise misuses these funds, then COUNTY reserves the right to request reimbursement of the funds, and to pursue any other legal remedy provided by law to recover said funds.
5. To the fullest extent permitted by law, RECIPIENT shall hold harmless, defend, and indemnify the COUNTY, its officers, employees, agents and volunteers from and against any liability, claims, actions, costs, fines, damages, or losses (including any losses related to injury or death to any person or damage to any property) arising out of or in connection with any act, error, or omission related to RECIPIENT's use of these funds, including any equipment purchased with any portion of these granted funds. To the fullest extent permitted by law, RECIPIENT further agrees to hold harmless, defend, and indemnify the COUNTY, its officers, employees, agents and volunteers from and against any liability, claims, actions, costs, damages or losses incurred by the COUNTY as a result of RECIPIENT's improper use of funds under this Agreement.
6. RECIPIENT must date and execute this AGREEMENT through an authorized representative and return the same to the Clerk as evidence of RECIPIENT's acceptance of the terms stated in this AGREEMENT. The person signing below represents and warrants that he/she has been duly authorized to bind RECIPIENT to the terms of this Agreement.

For RECIPIENT:

Signature: _____

Signature: _____

Printed _____

Name: Printed _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Date: _____

Unless this contract is accompanied by a certified copy of a corporation's Board of Director's resolution authorizing the execution of the contract, the County requires that, pursuant to Cal. Corp. Code § 313, contracts with a corporation be signed by two individuals, one from each of the following lists of officers: (1) chairman of the Board of Directors, the president, or any vice-president; and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer.

For COUNTY OF TULARE:

Michael C. Spata

Date: _____

DRAFT

GOOD WORKS FUNDING AUTHORIZATION- COUNTY DEPARTMENT

WHEREAS, Government Code section 26227 authorizes the Board of Supervisors of Tulare County (the "Board") to appropriate and expend money from the County general fund to establish County programs or to fund other programs that meet the social needs of the population of the County including, but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education, and legal services, and the needs of physically, mentally, and financially handicapped persons and aged persons (referred to herein as "Good Works" funds); and

WHEREAS, The Board also adopted a policy (the "Policy") delegating to the County Administrative Officer the authority to appropriate and expend no more than \$5,000 per request, within annual budgetary appropriations, to fund programs created or managed by County agencies or departments, when such programs (1) meet the requirements of Government Code section 26227, the Policy, and all other applicable laws; (2) are memorialized by the County Administrative Officer ("CAO"); and (3) are brought before the Board for ratification within a reasonable time frame; and

WHEREAS, Supervisor(s) _____ requested \$ _____ (amount) in Good Works funding for _____ (County department/agency) to support the following project [description of the activities supported by this request (the "Program")]: _____

_____.

IN ACCORDANCE WITH THE ABOVE,

My office has evaluated the Program and funding request and determined that it (1) will not constitute a gift of public funds, (2) will not be used for political campaign purposes, (3) will not be used for religious activities; and (4) meets the requirements of Government Code § 26227, including the following social needs of the County's population (check all that apply):

- health
- law enforcement
- public safety
- rehabilitation
- welfare
- education
- legal services
- the needs of physically, mentally, and financially handicapped persons and aged persons
- Other (describe): _____

Pursuant to the above, I approve a transfer of \$ _____ from the FY 2016-2017 Good Works appropriation to support the Program. This Good Works funding request and approval will be brought to the Board for ratification within a reasonable time frame.

Date: _____
Michael C. Spata

County Administrative Officer

DRAFT