



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: September 10, 2019

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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: (559) 624-7000		

SUBJECT: Memorandum of Understanding with the Local Government Commission

REQUEST(S):
That the Board of Supervisors:

1. Approve the Memorandum of Understanding with the Local Government Commission for a CivicSpark Fellow from September 10, 2019 through September 9, 2020; and
2. Authorize the Chairman to sign two copies of the MOU.

SUMMARY:
The Local Government Commission (LGC) is a non-profit organization with a mission to build livable communities and local leadership by connecting leaders via innovative programs and opportunities. One such program is the CivicSpark Fellows (Fellows). The Fellows program, administered by the LGC as part of the federal AmeriCorps program, provides capacity-building services to local governments in California through project implementation activities. Fellows can only work on contracted and allowable service activities. CivicSpark will provide this service to local governments by conducting assessments, implementing planning or action projects, engaging volunteers, and transferring knowledge to local government staff.

The Tulare County Resource Management Agency (RMA) in collaboration with the State Department of Housing and Community Development (HCD) applied for a fellow to assist with the development of an Environmental Justice Element pursuant to the requirements of SB 1000 (Government Code Section 65302(h) (1)) which requires cities and counties with identified disadvantaged communities to create an Environmental Justice Element, or related goals, policies, and objectives integrated

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in other elements. The Environmental Justice Element would identify objectives and policies to reduce pollution exposure, improve air quality, promote public facilities, improve food access, advance access to housing, and increase physical activity in identified disadvantaged communities.

RMA and HCD received feedback from LGC regarding their application for a Fellow. HCD reached out to County staff to request that one Fellow work in a Tulare County office. To that end, staff worked with HCD to interview and select a Fellow to be assigned to the Tulare County unincorporated area.

HCD will bear all of the costs of the Fellow and the Fellow will spend a majority of their time working on the Tulare County General Plan Environmental Justice Element. The remaining allocation of the Fellow's time would be spent on building networks and relationships with the LGC, HCD and other LGC Fellows in addition to disadvantaged community agents. There is a benefit to Tulare County in this partnership both with the relationships and networks the Fellow will develop, but also with the working relationship with HCD and access to their resources.

The following terms deviate substantively from the standard County boilerplate:

The County will be signing first.

FISCAL IMPACT/FINANCING:

The costs associated with the CivicSpark Fellow are paid by the State Department of Housing and Community Development.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the "Quality of Life Initiative – to promote public health and welfare, educational opportunities, natural resource management and continued improvement of environmental quality." The development of an Environmental Justice Element helps fulfill these initiatives by encouraging principles consistent with the County General Plan to identify objectives and policies to reduce pollution exposure, improve air quality, promote public facilities, improve food access, advance access to housing, and increase physical activity in identified disadvantaged communities.

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ADMINISTRATIVE SIGN-OFF:



Aaron R. Bock, MCRP, JD, LEED AP
Assistant Director, Economic Development & Planning



Sherman Dix
Assistant Director, Fiscal Services



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachment(s)

Memorandum of Understanding with the Local Government Commission

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

IN THE MATTER OF MEMORANDUM)
OF UNDERSTANDING WITH THE) Resolution No. _____
LOCAL GOVERNMENT COMMISSION) Agreement No. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD SEPTEMBER 10,
2019 BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors

1. Approved the Memorandum of Understanding with the Local Government Commission for a CivicSpark Fellow from September 10, 2019 through September 9, 2020; and
2. Authorized the Chairman to sign two copies of the MOU.

MEMORANDUM OF UNDERSTANDING FOR SPONSORED CIVICSPARK FELLOW

THIS MEMORANDUM OF UNDERSTANDING is made and entered into as of _____, by and between the County of Tulare ("Partner") and the Local Government Commission ("LGC"), a non-profit organization.

RECITALS

- LGC is administering the CivicSpark program, as part of the federal AmeriCorps program.
- The CivicSpark Program provides capacity building services to local governments in California through project implementation activities performed by LGC teams; LGC staff and CivicSpark Fellows (Fellows). Fellows can only work on contracted and allowable service activities. CivicSpark will provide this service to local governments by conducting assessments, implementing planning or action projects, engaging volunteers, and transferring knowledge to local government staff.
- The Partner desires to engage LGC to provide certain services through the CivicSpark program and LGC desires to provide those services. Compensation for these services is being provided through third party funding. This document is to establish the basic guidelines and expectations between The Partner and LGC.
- The Partner and LGC enter into this Agreement in order to memorialize the terms of LGC's performance of the services and the Partner's obligations with respect thereto.

AGREEMENT

I. Contracted Performance Measures and Prohibited Activities

LGC has contracted with the Corporation of National and Community Service to implement CivicSpark as an AmeriCorps program. **Fellows can only work on service outlined in performance measures approved by the Corporation for National and Community Service and must abide by Federal guidelines for AmeriCorps program implementation.** These performance measures define how CivicSpark will provide service to local governments by: conducting assessments; implementing planning, research or implementation projects; engaging volunteers; and transferring knowledge to local government staff. The project scope in Section II below must align with the measures below:

- 1) Capacity Building for Local Governments – Fellows' direct service hours should be spent building capacity for local government beneficiaries to address their relative needs with regard to specific issues (e.g. climate, water, housing etc.). Fellows will address these needs by assisting one or more local government beneficiary to develop or implement projects that they would otherwise not be able to complete. Capacity building for Fellows will be delivered in 3 stages, including: 1) gap assessments; 2) research, planning, and implementation service projects; and transition of knowledge.
- 2) Volunteer Engagement – All Fellows should have the opportunity to build further capacity by engaging, recruiting, and supporting volunteers. Volunteers may be engaged as either one-time volunteers (e.g. – volunteers to assist for a specific event such as Earth Day or service activities) or as on-going volunteers such as interns).
- 3) Training and Professional Development for Fellows – Fellows can spend up to 20% of their service year (340 of their 1700 total hours) on training. Training includes the 1-week orientation at the start of the service year, mid-year gathering, continued monthly trainings, and professional development and networking opportunities. Training hours ensure that Fellows have the training and tools they need to succeed in their service work and to grow as professionals.

The majority of the work provided by CivicSpark to local governments via direct service only involves the first measure (Capacity Building). The second and third measure is predominantly met through training, service and professional development activities provided to the Fellows by LGC. Some activities that occur while working with local government beneficiaries or other project partners may be considered training and professional development, such as networking events and trainings conducted by or attended in partnership with Partner.

Federal guidelines further restrict certain activities, which cannot be engaged in by CivicSpark Fellows or Supervisors while charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or the Corporation for National and Community Service. **In addition to only working on contracted performance measure service activities, the following activities are prohibited** (see 45 CFR § 2520.65):

- 1) Attempting to influence legislation;
- 2) Organizing or engaging in protests, petitions, boycotts, or strikes;
- 3) Assisting, promoting, or deterring union organizing;
- 4) Impairing existing contracts for services or collective bargaining agreements;
- 5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
- 6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
- 7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
- 8) Providing a direct benefit to—
 - a) A business organized for profit;
 - b) A labor union;
 - c) A partisan political organization;
 - d) A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
 - e) An organization engaged in the religious activities described above, unless CNCS assistance is not used to support those religious activities;
- 9) Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;
- 10) Providing abortion services or referrals for receipt of such services; and
- 11) Such other activities as CNCS may prohibit.

Fellows, like other private citizens, **may** participate in the above listed activities **on their own time, at their own expense, and on their own initiative**. However, the AmeriCorps logo **must not** be worn while doing so.

Per Federal Guidelines and LGC policies, CivicSpark Programs and activities must follow equal opportunity employment requirements and be accessible to persons with disabilities by providing reasonable accommodation. In support of this.

- 1) LGC and Partner will comply with Equal Opportunity Employment guidelines.
- 2) LGC and Partner will endeavor to make reasonable accommodations to known physical or mental

limitations of qualified AmeriCorps members with disabilities unless the accommodation would impose an undue hardship on the program operations.

- 3) LGC and Partner will endeavor to accommodate the sincere religious beliefs of AmeriCorps Members to the extent such accommodation does not pose an undue hardship on the Organization's operations.
- 4) LGC and Partner will not allow any form of retaliation against individuals who raise issues of equal employment opportunity or reasonable accommodation.

II. Scope of Services

LGC will perform the following services:

- 1) General Program Responsibilities
 - a) Provide clear guidelines to Fellows regarding AmeriCorps regulations and expectations.
 - b) Recruit and train Fellows to provide capacity building services for the region.
 - c) Work to provide support and guidance for Fellows, addressing any concerns that might develop during the service year.
 - d) Manage local government beneficiary and/or other partner service contracts.
 - e) Share outcomes from service with Partner.
- 2) Fellow Responsibilities
 - a) Pass a state, national, and NSOPR background check before starting their service year.
 - b) Participate in a 1-week program orientation and complete at least 100 hours of training through dedicated Fellow training, development, and service days.
 - c) Serve an average of 37 hours per week for 11 months, serving a minimum of 1700 total hours, with at least 1300 hours dedicated to Partner project activities (see below).
 - d) Comply with guidelines for performance measures and abide by regulations on prohibited activities described in Section I above.
 - e) Complete accurate project reporting in a timely manner as required by the Corporation for National Community Service (CNCS), including: assessments, implementation, hours served, volunteers recruited and supported, and transition of knowledge to local governments.
 - f) Avoid participation in prohibited activities.
 - g) Identify as a Fellow and wear AmeriCorps lapel pins or gear during service hours.
 - h) Participate in days of national service including, but not limited to: Martin Luther King, Jr. Day of Service; 9/11 Day of Remembrance; State Day of Service, and AmeriCorps week Service Day.
- 3) Project Specific Scope of Work
 - a) The Fellow will support Partner with capacity building activities including
 - i) Capacity Building
 - (1) Assist with Public Outreach
 - (2) Assist with preparation of General Plan Environmental Justice Element (SB 1000)
 - (3) Assist with tie into SB 2 (Research into Funding Approaches and Infrastructure Financing).
 - b) This project will include: 1) an initial gap assessment conducted by the Fellow, 2) a volunteer engagement component, and 3) a transitional support activity.
 - i) Minor changes to the scope following the requisite gap assessment process may be needed.
 - ii) The project will comply with AmeriCorps service guidelines including prohibited activities described in Exhibit "A".

III. Partner Responsibilities

Partner will perform the following services:

1) Support Responsibilities

- a) Support Fellow recruitment by advertising your open placement through appropriate channels and networks (e.g., websites, newsletters, social media, job boards, etc.)
- b) Identify one staff member to act as the “Site Supervisor” for the project, and point person for both the Fellow and CivicSpark staff.
- c) Site Supervisor shall support project implementation and professional development by:
 - i) Setting aside at least 1 hour/week to check in with each Fellow and provide assistance for each approved project.
 - ii) Familiarizing Fellows to the host organization (including safety procedures and protocols), resources, and project scope.
 - iii) Completing an initial performance assessment of each Fellow (survey and goal setting) within 1 month of the start of the service year; conducting a mid-year performance review; and completing a final performance review survey prior to the end of the service year.
 - iv) Seeking opportunities to integrate Fellows’ professional goals into project activities.
 - v) As appropriate, facilitating Fellows’ transition at the end of their service year by introducing Fellows to relevant colleagues and networks.
 - vi) Provide adequate professional workspace for Fellows (e.g., desk, computer, phone), and ensure that site and workplace are accessible to individuals with disabilities if needed.
- d) Develop defined project scope(s) and identify goals to be completed in agreed upon timeframe.
- e) Support implementation of project(s) consistent with scope above and in line with CivicSpark program goals (including supporting volunteer engagement activities and participating in transitional event)
- f) Keep Regional Coordinators and/or other LGC staff apprised of project developments and/or challenges, and working to redefine project scope(s) and goals as necessary.
- g) If challenges arise (related to professionalism, work products, etc.) provide specific written feedback to the Fellow and share with LGC staff in a timely manner so LGC staff can assess the challenges and intervene as needed.
- h) Assist with occasional site visits to Partner by LGC staff.
- i) Not displace Partner staff or volunteers through the use of CivicSpark Fellows, nor have CivicSpark Fellows perform any services or duties that would supplant the hiring of employed workers.
- j) Not offer the CivicSpark Fellow part time work that is substantially similar to their CivicSpark scope of work, nor offer them full time employment with a start date prior to the Service Year end date.

2) Reporting Responsibilities

- a) Complete applications for CivicSpark projects, identifying:
 - i) Total hours desired for service work;
 - ii) Identification of 1 beneficiaries per fellow.
 - (1) Beneficiaries can be individual departments within a single local government or even individual staff members within the same department.
 - (2) Eligibility of beneficiaries varies by project track. Specific eligibility requirements are provided here: <http://civicspark.lgc.org/join-civicspark/project/>
- b) Ensure a staff person involved in the project from each local government beneficiary completes a pre-service capacity assessment survey before the start of the service year and a post-service capacity assessment towards the end of the year. The pre-service survey defines goals for the project and establishes a baseline perspective on issues relevant to the specific project track (i.e., climate, water, or opportunity access). The post-service survey evaluates the degree to which the Fellows’ work made progress toward the goals and baselines established in the pre-service capacity assessment survey.

- c) Ensure a staff person involved in the project from each local government beneficiary participates in a project interview early on in the service year (within the first 2-3 weeks), a part of the CivicSpark gap assessment process.
- d) Submit Fellow performance assessments on time, as described above.
- e) Complete any additional project reporting defined as necessary.
- f) Allow CivicSpark to share results of all reporting with California Volunteers and CNCS, for required grant reporting.

IV. Reimbursable Expenses

LGC does not cover project related expenses related to the service project. All project related expenses are the responsibility of Partner.

Should Partner wish to have Fellow incur project related expenses, those expenses shall be submitted to Partner in writing for approval prior to Partner being charged for reimbursement for an expense incurred during the completion of activities outlined in the Scope of Service (Section II).

V. Timeline

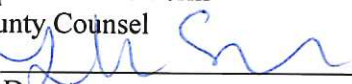
All tasks enumerated in Part 2 are to start on September 10, 2019 and should be completed by September 10, 2020.

DATED:

Chairman, Board of Supervisors
County of Tulare

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk of the Board of Supervisors of the County of Tulare

By _____
Deputy Clerk

Approved as to Form
County Counsel
By  _____
Deputy

Matter# 20191204

DATED:

Kif Scheuer, Program Director
LOCAL GOVERNMENT COMMISSION