COMMISSIONERS PRESENT:

Commissioners:
Michael Antonovich [Chair]
Nancy Au
Jane Boeckmann
Jonathan Fielding [Vice Chair]
Neal Kaufman
Alma Martinez
Marvin (Marv) Southard
Evangelina (Angie) Stockwell

Ex-Officio Commissioners:
Duane Dennis
Deanne Tilton

COMMISSIONERS ABSENT:

Commissioners:
Antronette Yancey [Excused]

Ex-Officio Commissioners:
Harriette Williams [Excused]

STAFF PRESENT:

Yolanda Bosch, Chief Administrative Officer
Antonio Gallardo, Chief Program Officer
Tracey Hause, Director of Finance
Armando Jimenez, Director of Research & Evaluation
Elizabeth Iida, Director of Program Development
Teresa Nuno, Director of Community Investments
Maria Romero, Executive Assistant

LEGAL COUNSEL:
Craig Steele, Attorney-at-Law

CALL TO ORDER / ROLL CALL:

1. Mayor Antonovich called the meeting to order at 1:45 pm. Quorum was present.

COMMISSION: (Items 2 – 17)

NOTE: The agenda items were discussed out of order. The following represents the order in which items were discussed during the meeting.

2. Approval of Commission Meeting Minutes – Thursday, November 10, 2011

M/S (Jane Boeckmann / Michael Antonovich)
WITH NO FURTHER DISCUSSION OR OBJECTION, THE ITEM WAS SO ORDERED
7. Chief Executive Officer’s Report

In addition to the written report, the following items were highlighted:

- **First 5 Association of California:** At the October meeting that was held in Burbank, Assemblymember Holly Mitchell spoke to Executive Directors and local Commission staff members from across the state about the impact of the state budget crisis on children’s programming in California. She also shared state legislators’ perceptions about County Commissions. As chair of the Budget Subcommittee on Health and Human Services, Assemblywoman Mitchell is front and center in the battle to preserve funding for vulnerable children; and, as a former Executive Director of Crystal Stairs, a one-time grantee of First 5 LA, she understands how budget cuts have affected children and how important it is to strive for a balanced approach which she says should include tax increases to close the deficit gap.

Assemblywoman Mitchell identified the relationship with legislators as complex and sometimes tense, but she left the group with a clear sense that she appreciated the work everyone does and thinks that First 5 Commissions ought to reach out to their elected representatives frequently to be sure the officials know about investments in their districts.

The Executive Directors discussed the possibility of devising state-wide programming that would both satisfy the state’s emerging needs and fulfill Commission strategic plan direction. The Executive Directors will meet regionally to discuss and bring back recommendations to the Association body at their next meeting in January, 2012.

- **Hearing on Place-Based Funding:** On October 21st, First 5 LA participated in a hearing Convened by Assemblyman Mike Eng and co-hosted by The California Asian & Pacific Islander Legislative Caucus, the Commission on Asian & Pacific Islander American Affairs, and the Asian & Pacific Islanders California Action Network to discuss what place-based funding approaches mean to the Asian and Pacific Island communities and to API providers.

Commissioner Au, along with Armando Jimenez, Director of Research & Evaluation, testified on behalf of First 5 LA, presenting data that highlights the projection that place-based funding would in fact increase API participation in First 5 LA-funded programs. Also communicated was the fact that First 5 LA’s county-wide programming has not diminished and is, in fact, expanding.

Commissioner Au was thanked for her impassioned testimony and for highlighting the strengths of place-based funding. The hearing organizers will submit a summary document with recommendations to the API Legislative Caucus and the Commission on APIA Affairs. First 5 LA has submitted written documentation to the conveners outlining the agency’s efforts and on-going commitment to engage the API residents and organizations in Best Start communities.
• **Policy Director:** Carol Baker has resigned as the Policy Director effective November 15, 2011. She is leaving to become the new Division Chief with Los Angeles County Department of Beaches and Harbors.

13. **Approval of the GASB 54 Policy Modifications per the Recommendation of the Ad Hoc Executive Committee**

Mayor Antonovich reported that within the past two months, there have been two independent audits of First 5 LA’s FY 2010-2011. One of the audits was routine and the second audit was special. The independent auditors involved in the routine annual audit of Generally Accepted Accounting Standards yielded recommendations to strengthen existing policies and procedures related to fund balances and classifications.

Mayor Antonovich asked Director Hause to present the recommendations from the Ad Hoc Executive Committee and also asked that the item be continued to January 12th so that the new Board can proceed with this issue.

Director Hause reported that during the course of the FY 2010-2011 audit, the independent auditors noted that the Commission had adopted GASB Statement 54—Fund Balance Reporting and Government Fund Type Definitions. The auditors recommended the Commission strengthen its existing policies and procedures related to the fund balance classifications. These recommendations were by brought to the Board of Commissioners at the October 13, 2011 meeting as part of the approval of the Comprehensive Annual Financial Report (CAFR). At that time, the Commission Chair proposed that the recommendations be considered by the Ad Hoc Executive Committee, which would then return to the full Board of Commissioner at the November 10, 2011 meeting with a recommendation for implementation.

At the November 3, 2011 Ad Hoc Executive Committee meeting, the Committee made the following recommendations: (1) a resolution be required to restrict funds; (2) a resolution be required to commit funds; (3) the Commission not designate a separate body, committee or official that can designate funds as assigned for a specific purpose; (4) the Committee recommended that any assignments be made via formal motion approved by the Commission; (5) the Commission not review the status of specified Committee and assigned amounts on a quarterly basis; (6) the Commission undergo an annual reaffirmation process prior to the fiscal year end to review all committed amounts to ensure that it is the Commission’s desire to have the fund balance resources reported in the CAFR as committed; and, (7) the Commission is to review all levels of fund balance prior to the fiscal year end as part of the reaffirmation process and determine what action, if any, is needed. The Ad Hoc Executive Committee recommended that the Commission take formal action prior to the fiscal year end to modify the existing fund balance levels or leave them as is.

M/S (Angie Stockwell / Michael Antonovich)

TO CONTINUE ITEM TO THE COMMISSION MEETING OF JANUARY 12, 2012
6. Announcements by the Commission Chair

Mayor Antonovich reported that the development of the Commission’s goals in 2009-2010 included children that are born healthy, maintain a healthy weight, are safe from abuse and neglect, are ready for kindergarten, and the Commission's transformation from a transitional grant-making organization to one that also focuses a significant portion of its future funding on high need geographic communities. In looking at the future, the Commission maintains its investments in successful County-wide programs such as the School Readiness Initiative, the Family Literacy Program for families, and the Early Care & Education Workforce Development Initiative. By necessity, the 2011 year marked a historic in-depth probe into the fiscal, contractual and programmatic aspects of the Commission’s operations and accountability, which identified tremendous growth opportunities, some already under way, and unveiled the Commission's agility and commitment to fulfilling its goals and mission.

Mayor Antonovich commented that one of the first challenges as Chairman started with the Governor’s proposed budgetary solution to divert 50 percent of the existing and future Proposition 10 funding from the larger Commission state-wide. Given these potential impacts, the February motion, which was unanimously supported, called for an independent verification of the Commission’s committed expenditures and operational efficiencies through a two phase audit conducted by Harvey Rose Associates, who were hired through a competitive bid process. The final results of that audit and the facts that over half of the California’s First 5 Commissions are County agencies formed the basis of a motion Supervisor Mark Ridley-Thomas and Mayor Antonovich co-authored on October 25, 2011 directing an exploration of the County’s Chief Executive Officer, County Counsel, and Auditor-Controller to establish First 5 LA as an agency of the County with independent authority over the strategic plan and the local trust fund. Created by County ordinance in 1999, First 5 LA is currently a legal public entity. Making First 5 LA an agency of the County holds the promise to increase fiscal transparency as well as the ability to leverage and maximize tax dollars with those of other agencies. On October 25, 2011 the Board of Supervisors voted, four to one, in support of exploring this change with Supervisor Molina dissenting. A preliminary report is expected by the end of the month.

Mayor Antonovich also commented that change is always hard and often perceived as a negative effect event; yet, clinging to the security and particularity of the tired and true often hinders and denies potentiality of positive results. He said that had the Commission not launched the independent audit, the Commission may not have had the extensive detail, a $171 million programmatic budget that the Commission received for the first time and approved in September, and the transparent consent calendar process under Item 4 of the agenda, whereby the Commission will be considering 26 new contracts executions and 88 existing contract amendments for the period between November 2011 and January 2012.

Mayor Antonovich said whether or not First 5 LA ends up as a County agency remains undecided right now. It will depend on the results of a comprehensive objective analysis which will include input by the members of the Commission. As the Commission ponders the future rather than dwelling on personal fears and
biases or allegiances, Mayor Antonovich urged the Commission have an open mind to accomplish its mission which is to improve the health and safety of children in Los Angeles County by seeing how this plan will impact the four strategic plan goals and reach the neediest of children and families across the County. Furthermore, Mayor Antonovich urged the Commission to maximize the scarce and dwindling resources by eliminating duplication and overlap, while building upon the current investments and infrastructures, investing in programs with the greatest fiscal leveraging potential to sustain themselves beyond First 5 LA’s initial investment period, and preventing unanticipated contract extensions and reducing overhead by outsourcing to community partners or subject matter consultants for the necessary expertise to implement projects rather than growing bureaucracy by hiring additional staff. Most importantly, the Commission needs to meet its unique goals and objectives by monitoring its dollars to funding effective programs, projects and initiatives; and to funding the public education and training of specialized professionals.

The October 25th action by the County Board of Supervisors was not intended to interrupt or reverse any of the Commission’s already approved funding allocations, initiatives or programs nor staff’s work under way to implement them. Mayor Antonovich urged staff to continue their daily work without hesitation or pause.

In closing, Mayor Antonovich reminded the Commission of his priorities. These priorities include the prevention of child abuse and neglect, the reduction of children’s entry into County supervision, to physical, nutritional, dental, eye and mental health education services, high quality early education and care, and successful public-private partnerships. On March 31st, the County CEO Office issued a report pursuant to Mayor Antonovich’s motion co-authored by Supervisor Mark Ridley-Thomas which revealed that during the 11 years between 2000 and 2010, a total of 1,807 children, once known to the Department of Children and Family Services (DCFS), were reported to child protection hotlines as deceased due to homicide, suicide, natural causes or accidents. Fifty-six percent were under the age of five, 37 percent were under the age of one, 67 percent were male, 38 percent were female, 45 percent were Hispanic, 37 percent were African-American, and 31 percent were being served by DCFS when these children died. ICAN, represented by Commissioner Tilton on the Commission, co-chairs a co-sleeping taskforce addressing an emerging trend contributing to infant deaths and recently issued its 2009 Child Death Review Report with additional data. In 2009, there were 30 child homicides perpetuated by parents, caregivers or family members. Of those 30 children, 80 percent were five years of age or younger, 47 percent were African-American, and 43 percent were Hispanic. Common factors throughout the homicides included the inter-generational cycle of abuse, mental illness, domestic violence, and substance abuse. Many children were killed by a biological parents’ live-in girlfriend or boyfriend, poorly bonded and unable to cope with parenting that child. Many other drowned in swimming pools due to diffused caregiver attention. In contrary to popular belief, a small child will drown quickly because the child’s head is heavy and pulls the child under water. The child does not make a sound, splash or wave or scream or call for help.

Based upon national research demonstrating that high quality child development services generate huge benefits compared to cost, narrow the achievement gap, and
contribute to significant reductions in child abuse and juvenile delinquency. The Childcare Policy Roundtable, which Commissioner Dennis represents, made one of its five goals in the 2011-2013 policy framework that of working across County departments and community partners to integrate their work with children with protective factors and the strengthening family approach. A child’s death is always a tragedy but never more so when the death was preventable. Therefore, the return on First 5 LA’s investments will be the greatest on families who are at-risk or are already abusing or neglecting their very young children as well as the very young children of the foster and probation youth who are aging out of the system without permanency or connection to a responsible adult. These very young children have no voice and may not be visible to mandated reports and are the most likely to be seriously injured or killed. Mayor Antonovich urged the Commission to not allow a dollar to languish in the bank or keep its dollars from maximizing other public funds as it would be hurting and needy children are waiting for relief. As the future of First 5 LA is contemplated, Mayor Antonovich also urged the Commission to remember that the most precious resource may actually be time.

Mayor Antonovich introduced the County’s Chief Executive Officer, William Fujioka, the County’ Chief Deputy Counsel, Leela Kapur, and the Chief Deputy Auditor-Controller, Jim Steinvein who were present to answer questions that Commissioners may have on the possibility of First 5 LA becoming a County agency.

Commissioner Kaufman asked about the process. Specifically, he asked how it would be best facilitated for Commissioners to provide input about the ideas around the governance structure that the Board of Supervisors is considering.

Mr. Fujioka asked that his office be contacted directly as it was working with the Auditor-Controller and County Counsel. He offered his contact information.

Commissioner Kaufman asked if there was a particular contact person that was coordinating input from Commissioners. Mr. Fujioka asked and encouraged Commissioners to speak to him or send him information. He committed to passing the information to appropriate persons within the three principle offices that were currently working on this effort.

Commissioner Au stated that it sounded like Mr. Fujioka was going to be the key contact person for the planning and exploration part of transitioning First 5 LA into a County agency. She asked if there would be an opportunity for groups of people to come together to have a joint conversation or if the process was based on individual input. Mr. Fujioka stated that it had not been decided to have open meetings on this issue and invite stakeholders; in large part, because he would not know who to invite to these meetings. Because of this, people are being encouraged to send their input directly to him.

Mr. Fujioka commented that this office was doing work in looking throughout the state on how other First 5 organizations have been structured. The principle goal is to find a structure that would best meet the needs of the population being served.

Commissioner Au expressed concern about the anxiety level of First 5 LA staff. Being sensitive to this issue, she wanted to garner some type of assurance from Mr.
Fujioka about minimizing as much disruption as possible in terms of the work that staff is carrying on. The other concern expressed by Commissioner Au was that First 5 LA was operating by particular regulations. She asked if there would be an opportunity for Legal Counsel Steele to interface with County Counsel so that the Commission did not tread on a path that may get the Commission into trouble down the road.

Ms. Kapur responded that County Counsel had every intention of communicating with Legal Counsel Steele. Communication has been initiated but the two sides had not been able to connect.

Mr. Fujioka commented that it was important to have an open dialogue with Commissioners.

Commissioner Stockwell commented that in the last two weeks, she has been contacted by grantees. They have asked how they can give input to the process. She asked Mr. Fujioka for more clarification on obtaining input since as of right now, it is not clear whether there would be open meetings.

Mr. Fujioka commented that he encourages anyone and everyone who is part of the stakeholder community to send their concerns directly to his office for consideration. These individuals could be Commissioners, staff or grantees.

Commissioner Stockwell asked how making the Commission a County department would make it more efficient and less bureaucratic. From the stakeholder perception, the County is extremely bureaucratic. She asked if the process would address issues of efficiency, transparency and be less bureaucratic.

Mr. Fujioka responded that this was asking him to admit that he was an overly bureaucratic person. He said that his office was trying to be as seamless and transparent as possible. He said that it was not anyone's intent to create more obstacles in providing services. The focus is on ensuring that the funds are available for this very important population and are out there as quickly and effectively as possible.

Commissioner Kaufman commented that there was a 30-day request from the Board of Supervisors for the Chief Executive Office to have a report. Commissioner Kaufman asked if there was a timeline as to the ordinance change and when the motion would go before the Board of Supervisors for them to accept this package. Mr. Fujioka responded that the timeline was specified in the motion. He also said that there was always the goal but it also has been the practice that if additional time was needed to make sure the product is the best product possible, additional time could be requested of Mayor Antonovich. Mr. Fujioka commented that coming to the Commission and asking for the stakeholders to provide their process was very important and encouraged those to do so very quickly. Mr. Fujioka also stated that there were some legal issues that still needed to be addressed. For instance, the whole question on how to structure First 5 LA moving forward—would it be a County department, would it be a separate entity with the Board of Supervisors as the governing body, and what would be the Commission's continuing role in legislative affairs. There are a number of questions that are being looked at and for
which a conclusion has not been reached. Mr. Fujioka stressed that a conclusion has not been reached. A very deliberate and thoughtful process is taking place.

Commissioner Kaufman asked how much time prior to the Board of Supervisors taking a vote would the report be made public for people to review and make comment on specific issues. Mr. Fujioka said the general practice is that the report would be released two weeks prior to the date this item would appear on the Board of Supervisors agenda. One challenge is the proximity of the holiday season with a limited number of Board dates remaining.

Commissioner Southard asked if a fact sheet could be provided that would show what would be different and what would remain the same if First 5 LA were to come under the edit of the County. For the stakeholders to know what would remain the same is probably the most important thing. He would expect from the service delivery end of it that not much would change. Calming the fears related to this effort was probably the biggest challenge that is faced right now.

Commissioner Martinez commented that she worked for the County for 16 years and considers the County her family; and saw many old friends in the audience. She also commented that she had a high belief that people in the County are there to do the right thing and to service children. She said that she was a little afraid because in the area of children, the County has not always done the best thing. One of the things that really concerned her as expressed in the Harvey Rose audit was turnover. In the County, with respect to the children’s services department, there have been six department directors in seven years. It terrifies her to think that children, the most vulnerable population, have had a system of ambiguity already with six different directors. Furthermore, there have been several lawsuits where children have died under the care of the County. If the Commission was a transportation Commission, she might not feel so uncomfortable about sending this work to the County but when it comes to children, it has been a little alarming for her. Commissioner Martinez commented that she was concerned about the Commission and could not say with complete comfort that there was going to be leadership with respect to the children.

Commissioner Martinez also commented that she has been hearing from community people and organizations that this may also be an attempt to supplant a lot of programs that the County has. Although she does not believe that was the case, she asked for the County to define supplantation to calm a lot of people down.

Commissioner Martinez also expressed concern that when First 5 LA, as an agency, ceases to exist, does the Commission need to formally close down its legal entity in order to merge over to the County. If this was the case, she asked if the Commission ran into any risk that during this small period of time, the State could come in and raid the money because the account has been closed. She said she was very concerned about this since the state is in a terrible budgetary situation and have already expressed that they want the Commission’s money. Commissioner Martinez felt that if any opportunity or loophole was provided, the state could come in and take the funding. She asked that the Commission, as a whole, ask for an Attorney General opinion that funds will not be at risk if this transition is made. In her view, she would rather know now than to do something and then find out.
Regarding the supplantation issue, Mr. Fujioka said there was absolutely no intent to take an existing County program that is funded through the general fund and to replace it with money from the Commission. Mr. Fujioka stressed that this was not the intent of the County.

With respect to the Attorney General issue, Mr. Fujioka said he was not in a position to render advice but said that this issue could be addressed by County Counsel.

Ms. Kapur commented that it would appear from the statutes that if the decision was made to transfer the Commission to a County agency, this entity, as a legal entity would dissolve. She defer to the Commission’s counsel as to the steps to be taken in order to do this. The new agency, in whatever form it was to be, would be created. One of the things to be included in the report was how the transition should occur to ensure continuity of services and hopefully with no break in service. Additionally, the report would address the funding issue relating to assuring that there would not be a detrimental impact on the funding, both unencumbered funds and funding that the County is entitled to on a go forward basis. At the present time, County Counsel did not have answers to all the questions that need be answered but would be having discussions with Legal Counsel Steele when the opportunity presented itself. Ms. Kapur also said that perhaps a conversation would also need to take place with the state.

Ms. Kapur stated that County Counsel was not in a position to advise the Commission to seek an Attorney General opinion but it could be considered on the County side.

Mr. Fujioka stressed that the operative word was “if” because a conclusion had not been reached. He did not want for anyone to think that the County had already decided that everything would shut down and a new County department would be created. This decision has not been reached. The Chief Executive Office is trying to go through a very deliberate process so whatever is recommended to the Board of Supervisors meets the service needs but also, equally important, it minimizes any legal impacts that the Commission would have.

Commissioner Tilton commented how important it was that not only staff but also the community understand that if a program has been approved for funding, its operation would not be disrupted by the change in administration.

Mr. Fujioka echoed the comments made by Mayor Antonovich in that this administrative change would have no impact on existing programs of those who have already received funding from the Commission. These programs would continue.

Commissioner Au commented if the decision was to move First 5 LA into a County entity and in the process, the Commission’s legal status would be dissolved, she then made the assumption that the existing contracts with grantees would be affected because there would no longer be a basis for the contract to exist. She said that it would be critical in order to honor the commitment of the Commission for no disruption in services and programs that some attention needed to be paid to some
mechanism that would ensure funding as the Commission went through the new contracting process.

Mr. Fujioka commented that he would be mindful of Commissioner Au’s concerns if this was the road that was to be taken.

Mayor Antonovich thanked Mr. Fujioka for taking the time to address the Commission and answer questions.

3. Approval of Monthly Financials – September, 2011

Director Hause presented the regular monthly financial statements for the Commission’s review. She noted that substantial disclosures have been provided as a result of implementing the programmatic budget that was adopted in September. Staff is also working on an improved format but this format is still being vetted within the organization. Efforts are being made to ensure that all information is provided.

M/S (Nancy Au / Michael Antonovich) WITHOUT OBJECTION, THIS ITEM WAS SO ORDERD

8. Motion to Continue Discussion and Action on Allocations of Remaining Commission Funds Within Each of the Five Approved Funding Strategies

Mayor Antonovich reported that in April, the Commission adopted an AB 99 decision-making framework consisting of the five investment buckets—county-wide, place-based, early learning, administration, research and evaluation. In May, the AB 99 Executive Committee members—Commissioners Fielding, Kaufman, Yancey and Stockwell—objectively considered all information through two public workshops accounting for a $424 million take away proposed by the following investment portfolio: 40 percent for County-wide programs, 27 percent for place-based, 25 percent for research and evaluation, and four percent for administrative costs. Rather than taking a vote at that time, the Commission deferred the matter to June because in May a lawsuit had been filed with other County Commissions challenging the legality of AB 99. As of today, AB 99 remains a law; however, the Governor’s final budget adopted in September did not anticipate the return of those funds from the First 5 Commissions. Therefore, the Commission has not resumed its AB 99 bucket planning since June.

Legal Counsel Steele reported that County Commissions were still waiting for Judge Kasanjian’s ruling on the case which was expected to be filed toward the end of November.

WITH NO FURTHER DISCUSSION OR OBJECTION, THIS ITEM WAS RECEIVED AND FILED AS SO ORDERD AND REMOVED FROM FUTURE AGENDAS

Afterward, Mayor Antonovich asked if the revision of the state budget would be taking place in December. Legal Counsel Steele reported that the process was that the revision would take place in December or January. This category was not in the
state budget at all; so there is no expectation that the legislature would be taking up this issue again until there is a decision on the case.


Mayor Antonovich reported that back in February, the Commission unanimously approved the full obligation of $12.8 million in oral health and nutrition funding with full expenditure by December 2014. In March, the Commission reallocated an additional $5 million to oral health and nutrition for a total of $17.8 million. The supporting document included in the agenda packet details specifically how the directives of the motion have been accomplished and how the funds are fully obligated and the program to be expanded within three years, no later than December 2014.

Mayor Antonovich commended and congratulated the staff for their aggressive leadership on this issue. There are oral health agreements listed through Items 4, 11 and 17 in the Commission packet. The agreements detailed throughout these three items do not represent the total picture of the Commission's oral health investments. There are two additional executed agreements not listed in the packet. First 5 LA has a greater investment in the oral health needs of the County's young children. In the interest of ensuring heightened collaboration among the various First 5 oral health organizations and to clarify the inner relationships between the variety of the Commission's oral health programs and investments, Mayor Antonovich urged staff to continue on an ad hoc basis.

WITH NO FURTHER DISCUSSION, THIS ITEM WAS RECEIVED AND FILED

4. Approval of New Contracts and Proposed Amendments for Existing Contracts and Grant Agreements in Support of Initiatives Approved as Part of the FY 2011-12 Programmatic Budget for the Period of November 1, 2011 to January 12, 2012 and Authorize Staff to Complete Final Contract Execution Upon Approval from the Board

Mayor Antonovich commented that this was a comprehensive consent calendar listing all of the agreements to be approved, signifying that one of the first steps First 5 LA has become a transparent, accountable organization. Through advance public posting of this consent calendar will enable the public and the Commission to review agreements and voice their concerns prior to final approval.

Mayor Antonovich made the following observations:

1. The information is somewhat inconsistent. For some agreements, the purpose of the investment is clearer than for others.
2. For other agreements, the start and end dates do not coincide exactly with the term of the agreement.

Mayor Antonovich asked if there was a consent calendar procedure in place where Commissioners who have individual conflicts on any individual agreements could refrain from voting. He also asked if a member of the public protests an item on the
consent calendar such as an award or extension request, was there an appeal process.

Legal Counsel Steele reported that there is a process for individual Commissioners who have conflicts to note those conflicts. He has spoken to Commissioners Kaufman and Harding about their conflicts on some of the contracts. They will note those conflicts on individual contracts but will vote on the entire consent calendar as done at meetings of the Board of Supervisors. Before the vote is taken, Commissioners should be allowed to state their conflicts.

With regard to the appeal process, the Commission has a long standing appeal policy to appeal the award of any contract or any grant that is awarded through the various processes. This policy was adopted by the Commission a number of years ago and remains in place. Any person who questions the awarding of a contract or grant is entitled to employ that appeal process.

Commissioner Harding commented that under this item, there are four contracts that would go to the Department of Public Health from which she would have to excuse herself. There are new agreements on substance abuse and obesity prevention and there are two amendments for the Department of Public Health Survey.

Commissioner Kaufman commented that under this item, there are three conflicts for him—dental health component with UCLA, Children’s Hospital Los Angeles has a convening opportunities fund, and UCLA is a subcontractor of the LA Biomedical Institute’s program.

Public Comment:

Arlene Globe, Center for Oral Health

M/S (Jane Boeckmann / Michael Antonovich)

WITHOUT OBJECTION, THIS ITEM WAS SO ORDERD WITH COMMISSIONERS HARDING AND KAUFMAN ABSTAINING AS APPROPRIATE

Legal Counsel Steele commented that in response to the speaker, the Commission will supply the documents requested—score documents of the independent review panel.

15. Receive and File Progress Update and Timeline for Implementation of the Public Education Campaign for the Los Angeles County Infant Safe Surrender Program

Director Oaxaca provided the Commission with an update on the status of the Infant Safe Surrender Public Education Campaign allocation. At the September meeting, a motion was approved to allocate $500,000 for a one year period to increase the awareness of the County’s Infant Safe Surrender Program. Inherent in the motion for the allocation was a sense of urgency to work as quickly as possible to begin the campaign. Several steps were outlined in the report to indicate the steps that staff has taken to begin this process. Staff has met already with Supervisor Knabe’s staff along with representatives from DCFS to perform an initial evaluation of the
existing collateral materials and other information that was previously produced to highlight and increase public awareness of the County’s Safe Surrender Program. Staff believe that there exists a significant opportunity to leverage the incredible success stories of infants that have been surrendered over the past 10 years.

Staff is also working toward issuing and RFQ to identify consultant support to help with the implementation of a more extensive County-wide campaign and to update and develop new materials that would incorporate some of the messaging from the previous campaign but to also put into place some of the success stories of parents of children who have been brought together by the Safe Surrender Program. Consultant support is expected to be on board by the end of the first quarter of 2012 to begin producing materials to be distributed throughout the County.

The Safe Surrender Program is being highlighted on the website and through social media channels.

WITH NO FURTHER DISCUSSION, THIS ITEM WAS RECEIVED AND FILED

16. Receive and File Progress Update From the Kindergarten Readiness Ad Hoc Committee

The Ad Hoc Committee will present their recommendations in various aspects in the Kindergarten Readiness Program to the Program & Planning Committee during the January 2012 meeting and deliver the final recommendations to the Commission in February, 2012.

Commissioner Dennis reported that the Program & Planning Committee charged this ad hoc committee to look at recommendations that were related to School Readiness Initiative, Family Literacy Program, and Family Friends & Neighbors Initiative.

The ad hoc committee met with stakeholders and staff. The ad hoc committee also looked at previous evaluations of the School Readiness Initiative. The ad hoc committee also plans to meet in early December, as a group, taking into consideration the information gathered from the stakeholders. Realizing that the ad hoc committee is trying to further organize some of the chaos around school readiness and bring to bear an RFP where coordination of some the practices under SRI as well as family literacy will be incorporated into a project of First 5 LA. this is, in no way, an alternative for the universal preschool initiative, which is the largest school readiness initiative. However, it does give those children who will not get into universal preschool an option. The plan is to have a seamless process and to move forward.

Commissioner Stockwell commented that the ad hoc committee appreciated the experts who came forth and provided valuable information.

Commissioner Harding complemented staff for doing an outstanding job in support the work of the ad hoc committee.

WITH NO FURTHER DISCUSSION, THIS ITEM WAS RECEIVED AND FILED
9. Approval of the Healthy Kids Per Member Per Month (PMPM) Rate Increase From $72 to $117 Effective October 1, 2011

Mayor Antonovich commented that per staff, this item can be continued to the January Commission Meeting.

**M/S (Jane Boeckmann / Michael Antonovich)**

**TO CONTINUE ITEM TO THE COMMISSION MEETING OF JANUARY 12, 2012**

10. Approval to Use $35,000 from the $990,000 Budgeted in the Program Development Department Budget in the FY 2011-12 Programmatic Budget for Universal Assessment Approved by the Commission on September 8, 2011 in Order to Extend the Contract with HealthReach to Continue Assessment of MAA and TCM Leveraging Opportunities for First 5 LA Universal Newborn Assessments and Best Start Approved Home Visitation Models

Mayor Antonovich reported that the expenditures qualified to draw down specific leveraging opportunities as reimbursable activities come from a non-federal public source. The recommendation is to estimate the leveraging opportunities associated with universal newborn assessments and the individual Best Start Home Visitation Program models. Many in Los Angeles County Health and Human Service programs use both of these leveraging opportunities to generate additional revenues for these key programs.

Director Nuno commented this was one of a number of leveraging opportunities that staff was identifying that will help to supplement and enhance the overall financing picture of the home visitation activities, certainly focused on the Welcome Baby Program but will also include the universal assessment of newborns.

Staff reviewed with Commissioners the staff report that was provided in the meeting packet.

Commissioner Kaufman asked when the grantees would receive the funding—in the current year or the following year when the funding was actually received. Staff responded that the MAA/TCM funding did not impact the grantee’s scope of work as this funding was above and beyond their approved budget. The Commission would need to have a policy discussion as to whether MAA/TCM funding would decrease a grantee’s budget by the amount received or if the grantee would be allowed to keep this funding beyond their approved budget as an incentive or bonus.

Commissioner Au asked if the scenarios presented in the staff report only pertained to the analysis piece. She said that with MAA, the anticipation is that the revenue generation will be greater than a hybrid approach with MAA and TCM. Commissioner Au asked if this was an either/or situation. Staff responded that grantees will have an opportunity to assign staff members to either MAA or TCM. The staff report provides to the best hybrid scenario and the best MAA only scenario, both of which yielded the greatest possible funding for each.
Commissioner Au asked if the staff recommendation called for the Commission to approve a scenario. Staff responded that this could be discussed by the Commissioners but that staff was seeking approval to continue the research.

Commissioner Au commented that understanding how Medi-Cal works, Medi-Cal has clear eligibility requirements which, oftentimes, preclude other children that may also have similar needs but cannot access services due them not being able to meet the eligibility requirements. She asked for more information on the access to services—if the Commission moves toward only MAA, are children being precluded that do not meet the eligibility requirements. She also asked that in the hybrid model, was there an optimizing of that access. Staff responded that the program will not exclude any participants. The program will not exclude any participant. The program is approved to participate in MAA and it does not dictate who is allowed into the program.

Commissioner Southard commented that the MAA is actually to get people into the Medi-Caid Program. The only individuals excluded are those who are already Medi-Caid recipients because outreach does not need to be done. The whole program is designed to be more inclusive of more people into the Medi-Caid Program. He suggested that staff look at which is more likely to continue as the reforms to Medi-Caid go forward to contain the costs of Medi-Caid. The Commission would probably want to choose the program that is less vulnerable to being scaled back.

Public Comment:

Jan French, LA Best Babies Network

M/S  (Nancy Au / Michael Antonovich)

WITHOUT OBJECTION, THIS ITEM WAS SO ORDERED

11. Approval to Extend the Los Angeles County WIC/Dental Visit Collaborative Project for Six Months in the Amount Not-to-Exceed $300,000

Mayor Antonovich reported that last month, the Program & Planning Committee was directed to review the dental health agreements along with the Children’s Council Agreement. Unfortunately, the Program & Planning Committee had not reached a consensus of whether or not to extend those agreements. While some Commissioners suggested that the dental agreement should terminate on December 31, 2011 as originally planned, others expressed concern at terminating these contracts before having any new agreements in place; thus, leaving a gap in those services. The LA County Collaborative, which is managed by the Dental Health Foundation, as an expansion and enhancement project funded under the 2006 Chairmanship, would provide direct services to 111,500 children with the proposed $300,000 six-month extension. However, a decision to extend those contracts also requires an amendment to the FY 2011-2012 programmatic budget.

Mayor Antonovich asked Legal Counsel Steele if this could be legally done if there are gaps in services. Legal Counsel Steele responded that contracts have been reviewed following the Program & Planning Meeting and these contracts can be extended under the existing process that has already taken place.
Mayor Antonovich asked how the two contracts related to those agreements detailed in Items 4 and 17 and if any of the new agreements detailed in Items 4 and 17 would cover the same type of work as provided through that agreement of 07441 and 07534. He also asked if the new agreements detailed under the Items 4 and 17 would be operational as of January 1, 2012.

Director Nuno asked Commissioner Kaufman to conceptualize the items that were discussed quite thoroughly by the Commissioners present at the Program & Planning Committee meeting.

Commissioner Kaufman reported that the Commission had a motion that was unclear and the choice was to send it to the Program & Planning Committee for further discussion and approval, particularly on five specific contracts. In several of those contracts, the clarity was not unclear. The Park & Water Company has asked for an unfunded extension that does not require Commission approval. The second contract, the Children’s Dental Foundation, has a contract through the end of 2012, so there was no reason to discuss. Of the remaining three contracts, the motion under Item 12 is one of those and the motion under Item 11 is for the other two contracts, both of which have to do with dental health.

The Program & Planning Committee tried to come to a consensus on whether these contracts should be extended. There was spirit conversation and an opinion was expressed that it might not be appropriate or within policy to be able to extend this kind of a contract. Within the existing policy and procedures, these contracts can be extended by the Commission with the caveat that the programmatic budget would need to be amended.

Basically, about half of the Commissioners present at the meeting felt these contracts should be extended while the other half did not.

Director Nuno commented that the action item is designed for Commissioners to have an opportunity to review the considerations that are listed in the staff report and come to a decision. The recommendation is also based on the timeline that was noted in the motion. Some of the projects would be affected if the Commission does not take action.

Commissioner Tilton spoke on behalf of the Commissioners who had concerns over the extensions because there was a two-month gap between the end of the preceding contract and beginning of the new programs with the RFQ that is now being processed. The reason that Commissioner Tilton can speak for those Commissioners not in favor of the extension was because staff believed it was illegal to do so. By doing this, First 5 LA would jeopardize its corporate status if the contracts were extended. With further research and Legal Counsel Steele’s determination that it can be done, she is now very happy to extend these contracts.

Commissioner Stockwell asked for clarification on contract extensions. If the contract was going to be ending at a specific date, it seems that most of the deliverables would have been accomplished. She asked how timelines would be impacted and what would be required of contractors in the new time period. Legal
Counsel Steele stated that, as an example, a “no-cost extension” is essentially when a contractor still has money left in an allocated amount under a contract. The contract is extended to allow the contractor to continue doing what they have been doing until the full allocation is used. The Commission’s contracts allow the Commission the discretion to modify or extend existing contracts. What is before the Commission are actual contract extensions with additional funding allocations; but, since the existing contract has not expired, the Commission is able to modify the contract. Legal Counsel Steele cautioned staff that these contract extensions did not allow for the scopes of work to be modified. The contract extensions were to provide gap services for a specified period of time to continue doing what has been contracted.

Commissioner Stockwell asked if this had been done previously by the Commission. Legal Counsel Steele responded that he could not tell if it was the first time in 11 years that the Commission was doing this but contracts have been amended and extended on prior occasions.

Commissioner Au commented that the issue is a matter of time framing. If the Commission was able to get the new RFPs out for the oral health and nutrition projects and there was a timeframe whereby the new contracts would be implemented by the time these contracts sunsetter, it would be a similar situation. Those projects and pilots would be continuing but there would be not gaps in services. Unfortunately, the timing of the execution of these new projects does leave a potential two-month gap. This is why she supported the continuation of these services so that the community would not have to endure a stoppage in services. The pilot projects will be discontinued when the new projects would be in place.

Legal Counsel Steele stated that in addition to the language of the contract allowing the Commission to modify the term of the contract, it also allows the Commission to modify the budget of the contract. This gives the Commission the authority to extend contracts as well as the budget of the contract. However, by amending the budget of the contract, the existing programmatic budget would need to be amended.

Public Comment:

Brendan John, Center for Oral Health

M/S (Neal Kaufman / Michael Antonovich)
WITHOUT OBJECTION, THIS ITEM WAS SO ORDERD

12. Approval of Recommendation from the Program & Planning Committee:

1) Funding in the amount of $660,000 for an Additional Six Months Commencing January 1, 2012 and Ending June 30, 2012 for the United Way of Greater Los Angeles to Support The Children’s Council Work of the Neighborhood Action Councils (NACs) Countywide and Particularly in the Best Start Communities, and Assist First 5 LA’s Best Start Communities Staff Increase and Expand Parent Participation in the Best Start Communities’ Planning Process; and

2) If This Recommendation is Approved, Authorize First 5 LA staff to Finalize Execution of the Contract Renewal with the United Way of Greater Los Angeles as
Fiscal Agent for The Children’s Council (Approval for this Amendment can be Found in Item 4)

Commissioner Kaufman reported that this was the second contract that had been referred to the Program & Planning Committee for further review and discussion. Commissioner Kaufman stated that the Neighborhood Action Council (NAC) made a very impressive presentation. He was pleased to hear about the work that the NACs are doing with bringing individuals together who are parents to talk to each other and work with each other. The NACs also provide input into the Best Start Communities. It is the hope that the Best Start Communities would want to have more NACs in the communities six months from now. If the funding is not continued for the next six months, then the NACs would not be available to the Best Start Communities.

The Program & Planning Committee unanimously recommends that the full Commission extend this contract for six months with the hope that the Best Start Communities would then want the NACs to be part of them.

Commissioner Dennis suggested that the NACs be integral in some of the Best Start conceptualization. The Commission should look at ways to integrate NACs into Best Start rather than having to follow what is going into Best Start. Commissioner Dennis commented that the work that has been done over the years by the NACs has been very important in understanding some of the relationship-based community organizations. He felt this was pivotal in what was being done with place-based and also recommended that NACs play an integral role in the place-based work that is currently being done.

Commissioner Au commented the work that The Children’s Council NACs is doing is really a County-wide project and the Commission has seen benefits to communities that go beyond the place-based focus. She asked that in the future, the Commission explore maintaining this infrastructure because as the Commission focuses on place-based, it is also important to be cognizant of the benefit of relationship-based organizing work outside of the targeted communities. She emphasized that the work of the Children’s Council was beneficial as well as critical for the Commission’s work.

**M/S (Neal Kaufman / Nancy Au)**
**WITHOUT OBJECTION, THIS ITEM WAS SO ORDERD**

14. Approval of the Revised Records Retention Policy

Mayor Antonovich reported that back in October, the Commission had agreed that three Phase 2 recommendations included in the Harvey Rose audit merited implementation—(1) inclusion of a listing of all grantee and contractor agreements, amounts subject to approval on monthly Commission agendas; (2) the development of protocols addressing documentation related to sole source contracts and grants, and (3) the revision of current Records Retention Policy so all outreach solicitation agreement monitoring and documents are retained on file until two year after the termination date.
SUMMARY ACTION MINUTES

Protocols for sole source contracts have been prepared and staff has been trained on the protocols. While staff has not failed to comply with the Commission’s existing Records Retention Policy, to further enhance transparency, the current policy will be revised to include a retention period of not two but three years from agreement termination date. Mayor Antonovich acknowledged and thanked all of the staff whose efforts culminated in the swift compliance with the recommendations and further moved to continue approval of the revised Records Retention Policy to the January 12, 2012 meeting to allow for review by the Ad Hoc Executive Committee and Legal Counsel Steele in case there are additional recommendations necessary for enhancement to the policy.

M/S (Jane Boeckmann / Michael Antonovich)
TO CONTINUE ITEM TO THE COMMISSION MEETING OF JANUARY 12, 2012

18. Public Comment

None

5. Presentation to the Commission Chair

Mayor Antonovich was presented with a plaque for his service as Commission Chair during the 2011 calendar year.

Commissioner Tilton thanked Mayor Antonovich for his concern and focus on the prevention of child abuse and neglect during his tenure as Commission Chair.

19. Adjourn to a Closed Session of the Board of Commissioners for a Public Employee Performance Evaluation

- Government Code Section 54957
- Title: Chief Executive Officer

The Commission adjourned to a Closed Session at 3:18 pm.

ADJOURNMENT:

The next regularly scheduled Commission meeting will be on:

January 12, 2012 at 1:30 pm
First 5 LA
Multi-Purpose Room
750 N. Alameda Street
Los Angeles, CA 90012

Meeting minutes were recorded by Maria Romero.