

**RESOLUTION NO. 12-102**

**BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO**

**RESOLUTION TO ESTABLISH THE EL PASO COUNTY COMMUNITY SERVICES  
BLOCK GRANT ADVISORY BOARD**

**WHEREAS**, pursuant to §§ 30-11-101(1)(e) and 30-11-107(1)(e), C.R.S., the Board of County Commissioners of El Paso County, Colorado ("Board") has the legislative authority to manage the concerns of El Paso County when deemed by the Board to be in the best interests of the County and its inhabitants; and

**WHEREAS**, the El Paso County annually receives Community Services Block Grant ("CSBG") funds from the Colorado Department of Local Affairs to provide a range of services to low-income persons; and

**WHEREAS**, CSBG regulations require as a condition of the receipt of grant funds the establishment of an advisory board to participate in the development, planning, implementation and evaluation of the CSBG program; and

**WHEREAS**, the Board previously designated the Pikes Peak Community Action Agency as the required advisory board through adoption of Resolution No. 91-52, General – 27; and

**WHEREAS**, the Board recognizes a need to alter the structure and composition of its CSBG advisory board to come into compliance with federal and state requirements; and

**WHEREAS**, the Board desires to establish the El Paso County Community Services Block Grant Advisory Board and will appoint members to the new board as outlined in the by-laws attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners of El Paso County, Colorado hereby approves the establishment of the El Paso County Community Services Block Grant Advisory Board and accepts the attached by-laws for said Advisory Board.

**BE IT FURTHER RESOLVED** that Resolution No. 91-52, General – 27 is hereby repealed in its entirety.

**DONE THIS** 20<sup>th</sup> day of March, 2012 at Colorado Springs, Colorado.

ATTEST

County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

Chair

**BY-LAWS OF THE  
EL PASO COUNTY COMMUNITY SERVICES BLOCK GRANT  
ADVISORY BOARD**

**Article I  
Name and Principal Office**

- Section 1.     Name: The name of the advisory board shall be the El Paso County Community Services Block Grant Advisory Board, hereinafter referred to as the "CSBG Advisory Board."
- Section 2.     Principal Office: The principal office of the CSBG Advisory Board shall be 1675 W. Garden of the Gods Road, Colorado Springs, CO 80907.

**Article II  
Mission Statement**

Pursuant to §§30-11-101(1)(e) and 30-11-107(1)(e), C.R.S., as amended, and Resolution No. 12- 102, the County of El Paso through the El Paso County Board of County Commissioners has created the CSBG Advisory Board to participate actively in the development, planning, implementation and evaluation of the Community Services Block Grant program to serve low-income communities, and make recommendations to the El Paso County Board of County Commissioners.

**Article III  
Membership**

- Section 1.     The CSBG Advisory Board shall have a tripartite structure. Members of the CSBG Advisory Board shall be selected and appointed by the Board of County Commissioners of El Paso County, Colorado. No member shall serve more than two successive full terms per section 5 of Resolution No. 16-324. In accordance with the Community Services Block Grant Act, § 676B(b), 42 U.S.C. § 9910, CSBG Advisory Board members will be selected and appointed by the BOCC in accordance with democratic selection procedures to assure that no fewer than one-third (1/3) of the CSBG Advisory Board members:
- (a) are representative of low-income individuals and families in the neighborhood served;
  - (b) reside in the neighborhood served; and;
  - (c) are able to participate actively in the development, planning, implementation, and evaluation of programs funded under this subtitle
- Section 2.     The CSBG Advisory Board shall be composed of nine (9) voting members representing a cross section of the community, including:

- Three (3) representatives of the public sector, one (1) of which will be the County Commissioner currently serving as the Board of County Commissioners liaison to the El Paso County Department of Human Services Advisory Commission
- Three (3) representatives of low-income persons who reside in a neighborhood serviced by the Community Services Block Grant program
- Three (3) private sector representatives from business, labor, industry, religious groups, public welfare, law enforcement, education or other groups or interests in the County

Section 3. All members of the CSBG Advisory Board shall serve at the pleasure of the Board of County Commissioners without compensation and may be removed for good cause at any time. Good cause includes, but is not limited to, neglect of duty or misconduct in office. Additionally, a CSBG Advisory Board member may be removed by the Board of County Commissioners at any time if the Board of County Commissioners determines that such action is in the best interest of the County and/or its Community Services Block Grant Program.

Section 4. Low-income and private sector representatives shall not serve more than two (2) consecutive three (3)-year terms. Inaugural terms shall be staggered such that members will be appointed for either one (1), two (2), or three (3) year terms. Subsequent terms shall be for three (3) years.

Section 5. Each member shall be entitled to one (1) vote in all CSBG Advisory Board decision-making actions, as incorporated in Article V, Section 6 Voting.

#### **Article IV Officers**

Section 1. The CSBG Advisory Board shall organize and elect a Chair, Vice-Chair and Secretary from its members annually at the first scheduled meeting in March and may fill vacancies in such offices from time to time at any regular or special meeting. In the absence of the Chair, Vice-Chair or Secretary at a regular meeting, the CSBG Advisory Board shall elect a Chair pro tempore.

Section 2. Chair – The Chair will serve a term of one (1) year. The Chair shall preside at all meetings and shall call special meetings when deemed necessary. The Chair will act as spokesperson for the CSBG Advisory

Board and may designate committees to perform the work of the CSBG Advisory Board when necessary.

- Section 3. Vice-Chair – The Vice-Chair will serve a term of one (1) year. The Vice-Chair will perform the functions of the Chair in the absence of the Chair.
- Section 4. Secretary – The Secretary will serve a term of one (1) year and will keep minutes of the proceedings and will perform the functions of the Chair in absence of the Chair and Vice-Chair.

## **Article V Meetings**

- Section 1. Schedule  
The CSBG Advisory Board will meet quarterly on the second Friday in March, June, September and December unless the Chair, with the agreement of the members, determines otherwise. Not less than two (2) meetings shall be held annually. Meetings shall comply with all federal, state and local laws concerning open meetings and public records. It is the prerogative of the Chair to call special meetings as required.
- Section 2. Notice  
The time and place of regular meetings of the CSBG Advisory Board shall be communicated to its members at least four (4) business days prior to the regular meetings. Special meetings shall require at least forty-eight (48) hours prior notification. Notice of meetings shall be posted in compliance with the Colorado Open Meetings Law §§ 24-6-401, *et seq.*, C.R.S. Public Notices will be posted at Centennial Hall, 200 S. Cascade Ave., Colorado Springs, CO 80903.
- Open Meetings Law: All meetings shall be posted and conducted in accordance with the Colorado Open Meetings Act. At the first meeting of the CSBG Advisory Board it shall be necessary to establish posting requirements for compliance with said Act.
- Section 3. Public Meetings  
All meetings of the CSBG Advisory Board shall be open to the public.
- Section 4. Special Sessions  
The Chair may call special training or work sessions of the CSBG Advisory Board. Such special sessions will comply with the Colorado Open Meetings Law, §24-6-401, *et seq.*, C.R.S. Decisions affecting public well-being shall not be formalized in such sessions but accomplished in the CSBG Advisory Board's regularly scheduled public meetings.
- Section 5. Quorum

A quorum shall consist of a simple majority of voting members. To the extent a quorum is not available, the meeting may continue and the CSBG Advisory Board may hear and discuss testimony, but may not take formal action.

Section 6. Voting

Only CSBG Advisory Board members shall vote on board issues. The affirmative vote of a majority of the members present at the time of the vote shall be required for the CSBG Advisory Board to take any action. A member must recuse himself or herself from any vote on any item regarding the award of funding to the business, agency, or organization which the member represents or for which the member volunteers, works, or holds office.

Section 7. Attendance

More than three (3) consecutive unexcused absences by a CSBG Advisory Board member at regularly scheduled meetings will initiate a review by the Chair, who shall have the discretion to petition the El Paso County Board of County Commissioners for a new appointment.

Section 8. Vacancies

Vacancies in the CSBG Advisory Board will be filled by appointment by the Board of County Commissioners. Members may make recommendations to the El Paso County Board of County Commissioners about the appointment of new members.

Section 9. Governance

The governance of the CSBG Advisory Board's meetings shall be adapted from Robert's Rules of Order.

Section 10. Agenda

The conduct of the business of the CSBG Advisory Board meetings shall be pursuant to a formal agenda to be distributed with the meeting announcement. Requests for items to be placed on the agenda shall be directed to the Chair at least five (5) business days prior to a regularly scheduled meeting. The agenda may be changed at the discretion of the Chair or by a majority vote of the declared quorum.

Section 11. Minutes and Records

There shall be minutes of all regular meetings of the CSBG Advisory Board, and said minutes of the meeting shall be approved by the members at its next regular meeting. Copies of the minutes shall be forwarded to members prior to the next scheduled meeting. A copy of the approved minutes shall be provided to the Colorado Department of Local Affairs CSBG Administration Office within thirty (30) days of each meeting. Minutes and records of the CSBG Advisory Board shall be open to the

public and subject to the Colorado Open Records Act, §24-72-201, *et seq.*, C.R.S.


**Article VII  
Staff Support**

Staff support to the CSBG Advisory Board will be provided from the resources of the El Paso County Department of Human Services.

**Article VIII**

These By-laws may be amended by a two-thirds affirmative vote of the entire group, after a proposed amendment has received one (1) reading at a regularly scheduled CSBG Advisory Group meeting. Proposed amendments shall be distributed to members at least ten (10) days preceding the meeting at which the first reading will take place. Any amendment to the By-laws must be approved by the Board of County Commissioners.

Received and accepted March 20, 2012.

A handwritten signature in cursive script, appearing to read "Amy Gathers", is written over a horizontal line.

Chair, Board of County Commissioners

through (c) of this section relating to applications and plans.

(Pub. L. 97-35, title VI, § 676, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2735.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(1)(A), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of this title. For complete classification of this Act to the Code, see section 1305 of this title and Tables.

Section 101 of such Act, referred to in subsec. (b)(5), is probably a reference to section 101 of the Workforce Investment Act of 1998, Pub. L. 105-220, which is classified to section 2801 of Title 29, Labor.

The Workforce Investment Act of 1998, referred to in subsec. (b)(5), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

Title XXVI, referred to in subsec. (b)(6), is title XXVI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 893, as amended, known as the Low-Income Home Energy Assistance Act of 1981, which is classified generally to subchapter II (§ 8621 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8621 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 9908, Pub. L. 97-35, title VI, § 679, Aug. 13, 1981, 95 Stat. 517; Pub. L. 98-558, title II, § 205, Oct. 30, 1984, 98 Stat. 2886; Pub. L. 99-425, title IV, § 404(a), Sept. 30, 1986, 100 Stat. 969, related to withholding of funds, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 676 of Pub. L. 97-35 was classified to section 9905 of this title, prior to the general amendment of this chapter by Pub. L. 105-285.

### § 9909. Designation and redesignation of eligible entities in unserved areas

#### (a) Qualified organization in or near area

##### (1) In general

If any geographic area of a State is not, or ceases to be, served by an eligible entity under this chapter, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

(A) a private nonprofit organization (which may include an eligible entity) that is geographically located in the unserved area, that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency, and that meets the requirements of this chapter; and

(B) a private nonprofit eligible entity that is geographically located in an area contiguous to or within reasonable proximity of the unserved area and that is already providing related services in the unserved area.

##### (2) Requirement

In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

(A) in each of the three required categories described in subparagraphs (A), (B), and (C) of section 9910(a)(2) of this title, by members

that reside in the community comprised by the unserved area; and

(B) in the category described in section 9910(a)(2)(B) of this title, by members that reside in the neighborhood to be served.

#### (b) Special consideration

In designating an eligible entity under subsection (a) of this section, the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this chapter and may give priority, in granting the designation, to eligible entities that are providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

#### (c) No qualified organization in or near area

If no private, nonprofit organization is identified or determined to be qualified under subsection (a) of this section to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 9910(b) of this title.

(Pub. L. 97-35, title VI, § 676A, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2739.)

#### PRIOR PROVISIONS

A prior section 9909, Pub. L. 97-35, title VI, § 680, Aug. 13, 1981, 95 Stat. 517; Pub. L. 99-425, title IV, § 405(c)(2), Sept. 30, 1986, 100 Stat. 970; Pub. L. 103-171, § 7(c)(3), Dec. 2, 1993, 107 Stat. 1994, related to limitation on use of grants for construction and waiver of such limitation, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 676A of Pub. L. 97-35 was classified to section 9905a of this title, prior to the general amendment of this chapter by Pub. L. 105-285.

### § 9910. Tripartite boards

#### (a) Private nonprofit entities

##### (1) Board

In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 9902(1) of this title, the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities.

##### (2) Selection and composition of board

The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

(A)  $\frac{1}{3}$  of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of such elected officials reasonably available and willing to serve on the board is less than  $\frac{1}{3}$  of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such  $\frac{1}{3}$  requirement;

(B)(i) not fewer than  $\frac{1}{4}$  of the members are persons chosen in accordance with demo-

cratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and

(ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under clause (i) resides in the neighborhood represented by the member; and

(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served.

**(b) Public organizations**

In order for a public organization to be considered to be an eligible entity for purposes of section 9902(1) of this title, the entity shall administer the community services block grant program through—

(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than  $\frac{1}{2}$  of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

(A) are representative of low-income individuals and families in the neighborhood served;

(B) reside in the neighborhood served; and

(C) are able to participate actively in the development, planning, implementation, and evaluation of programs funded under this chapter; or

(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the development, planning, implementation, and evaluation of programs funded under this chapter.

(Pub. L. 97-35, title VI, § 676B, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2740.)

**PRIOR PROVISIONS**

Prior sections 9910 and 9910a were omitted in the general amendment of this chapter by Pub. L. 105-285.

Section 9910, Pub. L. 97-35, title VI, § 681, Aug. 13, 1981, 95 Stat. 518; Pub. L. 98-558, title II, § 204, Oct. 30, 1984, 98 Stat. 2886; Pub. L. 99-425, title IV, § 405(a), (b), Sept. 30, 1986, 100 Stat. 969, 970; Pub. L. 101-501, title IV, §§ 405, 407(b), Nov. 3, 1990, 104 Stat. 1252, 1255; Pub. L. 103-171, § 7(a), Dec. 2, 1993, 107 Stat. 1993; Pub. L. 103-252, title II, § 203, May 18, 1994, 108 Stat. 654, related to the discretionary authority of the Secretary.

Section 9910a, Pub. L. 97-35, title VI, § 681A, as added Pub. L. 98-558, title II, § 206, Oct. 30, 1984, 98 Stat. 2886; amended Pub. L. 99-425, title IV, § 406, Sept. 30, 1986, 100 Stat. 970; Pub. L. 101-501, title IV, §§ 401(b), 406, Nov. 3, 1990, 104 Stat. 1251, 1253; Pub. L. 103-171, § 7(c)(4), Dec. 2, 1993, 107 Stat. 1994; Pub. L. 103-252, title II, § 204, May 18, 1994, 108 Stat. 655, related to community food and nutrition.

A prior section 9910b, Pub. L. 99-425, title IV, § 408, Sept. 30, 1986, 100 Stat. 972, as amended, which related to demonstration partnership agreements addressing needs of poor, was transferred to section 9925 of this title.

A prior section 9910c, Pub. L. 97-35, title VI, § 682, as added Pub. L. 103-252, title II, § 205(2), May 18, 1994, 108 Stat. 655; amended Pub. L. 105-244, title I, § 102(a)(13)(I), Oct. 7, 1998, 112 Stat. 1621, related to national or regional programs designed to provide instructional activities for low-income youth, prior to the general amendment of this chapter by Pub. L. 105-285.

A prior section 9910d, Pub. L. 100-485, title V, § 505, Oct. 13, 1988, 102 Stat. 2404, as amended, which related to demonstration partnership agreements addressing needs of poor, was transferred to section 9926 of this title.

**§ 9911. Payments to Indian tribes**

**(a) Reservation**

If, with respect to any State, the Secretary—

(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this chapter be made directly to such tribe or organization; and

(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this chapter,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 9906 of this title for the fiscal year the amount determined under subsection (b) of this section.

**(b) Determination of reserved amount**

The Secretary shall reserve for the purpose of subsection (a) of this section from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) of this section bears to the population of all individuals eligible for assistance through a community services block grant made under this chapter in such State.

**(c) Awards**

The sums reserved by the Secretary on the basis of a determination made under subsection (a) of this section shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

**(d) Plan**

In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

**(e) Definitions**

In this section:

**(1) Indian tribe; tribal organization**

The terms "Indian tribe" and "tribal organization" mean a tribe, band, or other organized group recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

**(2) Indian**

The term "Indian" means a member of an Indian tribe or of a tribal organization.

(Pub. L. 97-35, title VI, § 677, as added Pub. L. 105-285, title II, § 201, Oct. 27, 1998, 112 Stat. 2741.)

**PRIOR PROVISIONS**

A prior section 9911, Pub. L. 97-35, title VI, § 683, formerly § 682, as added Pub. L. 101-501, title IV, § 407(a),