

AB104 AEBG Consortia Report on Governance Compliance of Rules and Procedures

Consortium Name:

Salinas Valley Adult Education Consortium

Planning Grant Fiscal Agent Name (for tracking purposes only):

Hartnell College

Consortium Point Person (or person submitting this document):

Name:

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Consortium Role: E-

Interim Project Director

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Note from the SVAEC: The content below has been developed and agreed upon for the purposes of completing the State-provided and State-required Consortium Report on Governance Compliance of Rules and Procedures, to be submitted the first week of November 2015. However, the Salinas Valley Adult Education Consortium is developing a more comprehensive and formal governance plan/bylaws, to be completed no later than February 1, 2016. Under question #15 is a list of some matters still to be addressed by the Consortium.

1. Have all community college districts, school districts, or county offices of education, or any joint powers authority consisting of community college districts, school districts, county offices of education, or a combination of these, located within the boundaries of the adult education region been allowed to join the consortium as a member?

All community college districts, school districts, and county offices of education that offer adult education services in the region have been invited and allowed to join the Salinas Valley Adult Education Consortium (“SVAEC” or “Consortium”). These include Hartnell College, Gonzales Unified School District, North Monterey County Unified School District, Salinas Union High School District, Soledad Unified School District, South Monterey County Joint Union High School District, and the Monterey County Office of Education. It was agreed that Mission Trails ROP JPA will be a partner rather than a member.

2. Have all members committed to reporting any funds available to that member for the purposes of education and workforce services for adults and the uses of those funds? How will the available funds be reported and evaluated?

All members are aware that a requirement of membership is the reporting of all funding sources available to them for the purposes of education and workforce services for adults in the region, as well as the amounts and uses of the funds. By signing this Governance Rules and Procedures Document, each member has agreed to submit documentation disclosing all adult education funding, specifically those types/sources outlined in the AB104 legislation, received for the provision of education services to adults in the seven program areas approved in the AB104 legislation.

This funding information will be provided by each member's Chief Business Officer and/or official Consortium designee, and reported by each member's Consortium designee to the SVAEC Fiscal Agent and Director on an annual and as needed basis. The Fiscal Agent and Director will be responsible for reporting the information to the State.

A minimum of once a year the Consortium Fiscal Agent, Director, and Steering Committee will review and evaluate all member adult education funding in order to inform regional adult education plans (annual and long-term) and ensure alignment of resources with regional needs, priorities, and objectives.

3. How will you assure that each member of the consortium is represented only by an official designated by the governing board of the member?

Each member district will provide official documentation from their governing board or superintendent stating the names of its official SVAEC designee and alternate designee. This documentation will include evidence of board approval of their appointment which provides authorization to vote on the member district's behalf in SVAEC proceedings. The alternate designee will vote only if the official representative is unable to attend a meeting.

It must be emphasized that the member designee is the representative of the entire district and is expected to communicate with all constituents/stakeholders within the district, including instructors, students, staff, administrators, and the board, in order to represent them accurately and appropriately. The designee is also expected to serve as the liaison between the member district and the Consortium and to assist in the gathering and sharing of information and data.

The SVAEC Director and Fiscal Agent do not have voting rights nor can either be alternate representatives.

4. How will you assure that all members of the consortium shall participate in any decision made by the consortium?

The SVAEC shall establish a Steering Committee consisting of member, board-approved designees (one primary and one alternate per member), all of whom have voting power (1 vote per member). The Consortium Director and the Consortium Fiscal Agent are also part of the Steering Committee; however, neither has any voting power and their roles are strictly to provide facilitation and guidance.

The steering meetings are open to all, not exclusively to the Steering Committee. The steering meetings will be open to board-approved member designees with voting rights, non-voting member

and partner representatives, and the public. The voting member designees will not make decisions in closed meetings.

All adult education stakeholders from member districts and partners are encouraged to attend steering meetings and participate in Consortium activities and dialogue, in addition to the official designees. The SVAEC will create and publish an annual calendar of scheduled steering meetings. The agenda for each steering meeting as well as minutes from the previous meeting will be disseminated in advance to the SVAEC members, partners, and public through the Consortium email list and posted on the Consortium website.

All public comment will be permitted at the steering meetings with a limit of 5 minutes, unless otherwise scheduled on the agenda. At the beginning of each steering meeting the agenda will be reviewed and approved, and the designees can only vote on items that are on the approved agenda. New items can be added to the agenda at the beginning of the meeting and can be voted on at that meeting if a member designee from each member district is present and all designees present agree that a vote may be held.

It is the Consortium Director's responsibility to facilitate steering meetings and ensure compliance with these rules and procedures.

5. What will be the relative voting power of each member?

Each member district will have one vote. No one individual shall represent more than one member district as an official designee or alternate designee. No adult education program will be represented more than once (even if part of more than one member district).

6. How will decisions be approved?

Decisions will be made through a process which will include presentation of information, opportunities for open comment and discussion, and opportunities for decision-making either through mutual agreement and/or member vote.

All attempts will be made to reach a consensus through discussion and mutual agreement; however, if a consensus cannot be reached, a member designee can move to vote. The motion must be seconded by another designee. All designees will vote on the motion using "Aye" in favor, and "No" in opposition. The call to "Abstain" can be made if the designee chooses to withhold its vote; that member's vote will not be counted in the total votes tallied.

**Decisions will be made by a majority vote in favor, with a majority defined as 50% + 1. There must be a minimum of 50% + 1 member designees present for a vote to take place (i.e. quorum will be 4 out of 6 members or 5 out of 7 members). A vote will be postponed if there is no quorum.

7. How did you arrive at that decision-making model?

The AEBG governance template, along with decision-making model options and governance-related questions, was presented to the SVAEC at an open steering meeting in late August 2015 and via several subsequent email communications inviting input from all stakeholders. An electronic copy of the draft was also provided to members and partners via Google Docs allowing them to review it and offer comments and suggestions.

A draft governance document was developed and discussed further at the next two steering meetings, where some decision-making decisions were made. A final draft of this governance document will be reviewed, approved, and signed by members the first week of November 2015.

In addition to this governance document (which follows the AEBG governance template), a formal set of by-laws for the SVAEC are going to be developed and voted upon in the coming months in order to offer a clearer and more comprehensive set of rules and procedures.

8. How will proposed decisions be considered in open, properly noticed public meetings of the consortium at which members of the public may comment?

The consortium will publish a calendar of all steering meetings at the beginning of the fiscal year. All meetings will be open to the public. Meeting agendas and/or schedule changes will be published 72 hours before each meeting on a SVAEC website and distributed to the Consortium email list.

9. Describe how will you provide the public with adequate notice of a proposed decision and consider any comments submitted by members of the public?

Proposed decisions will be posted on the SVAEC website and distributed to the Consortium mailing list 72 hours prior to each meeting. Public comment will be invited and any comments made prior to a steering meeting will be distributed as an attachment to the agenda and reviewed at the meeting.

10. Describe how comments submitted by members of the public will be distributed publicly.

Comments submitted by members of the public in advance of a steering meeting will be communicated at the steering meeting by the facilitator and/or added to the agenda, if requested at least 72 hours prior to the meeting. Members of the public who wish to provide comments at a meeting will be given 5 minutes maximum to speak and their comments will be included in the meeting minutes. Meeting minutes will be posted on the SVAEC website and distributed via the Consortium mailing list.

11. Describe the process by which the consortium will solicit and consider comments and input regarding a proposed decision from other entities located in the adult education region that provide education and workforce services for adults. Such entities will include but not necessarily be limited to, local public agencies, departments, and offices, particularly those with responsibility for local public safety and social services; workforce investment boards; libraries; and community-based organizations.

The Consortium will solicit input from other adult education by inviting them to attend and participate in discussion at the regularly scheduled steering meetings, asking them to give presentations about their programs and services at meetings, periodically holding special meetings or events with current and potential partners, inviting stakeholders to participate in SVAEC Professional Learning Communities and workgroups (when relevant and appropriate), and member/partner/stakeholder site visits. The Consortium Director and members will continue to reach out to regional stakeholders to build and strengthen these relationships. Partners and other stakeholders will also be added to the SVAEC email list. These activities are key to identifying common needs and opportunities and leveraging regional resources.

12. How will you determine approval of a distribution schedule pursuant to Section 84913?

The Consortium will establish clear criteria and processes to ensure the appropriate allocation and use of AEBG funds and to approve annual distribution schedules. The AEBG Allowable Uses Guide will be distributed to members and posted on the SVAEC website. The funding guidelines and allowable uses will be also be reviewed and clarified in steering meetings, and the Consortium Director and Fiscal Agent will review them individually with members as needed.

The Regional 3-Year Plan will also be widely available and used as the basis for the development and approval of annual plans. Annual plans, budgets, and distribution schedules will be developed at regularly scheduled steering meetings, and a temporary Planning Workgroup may be also established to assist in the planning as needed, with representation from each member.

All member (and partner) funding requests will be reviewed by all members to determine compliance with the AB104 legislation, the SVAEC Regional 3-Year Plan, the SVAEC Resource Allocation Criteria, and the SVAEC Annual Plan for that upcoming fiscal year (the annual plan will both determine and be determined by the allocations). At open steering meetings, funding requests and proposed Consortium expenditures will be discussed and negotiated and eventually voted upon by the member designees.

13. Has the consortium A) designated a member to serve as the fund administrator to receive and distribute funds from the program or B) chosen to have a funds flow directly to the member districts based upon the approved distribution schedule?

SVAEC shall use a single fund administrator/fiscal agent to fulfill the following functions and characteristics: Provide the functions of a “bank” (i.e. hold and distribute AEBG funds on behalf of the Consortium); process expenses related to the grant as agreed upon by Consortium members; certify that expenditures have been prepared in accordance with Federal and State regulations; and work with the Consortium to implement fiscal decisions made by the members.

The agency providing the fund administration services will be part of the Steering Committee; however, the fund administrator role is a distinct and separate role from the governance role and the fund administrator shall have no voting power. Fund administration is separate from the Consortium’s

policy and operational decision-making. The fund administrator does not have the authority to approve expenses applied against the grant, except as regards technical documentation. The fund administrator provides counsel to the Consortium but shall not make Consortium program or fiscal decisions.

14. How will members join, leave, or be dismissed from the consortium?

Members will be permitted to join or leave the consortium pursuant to state law. Members seeking to leave must give as much notice as possible, no less than six months, and enter into binding discussions with the Steering Committee regarding any outstanding deliverables or unused AEBG funds. The Steering Committee will develop policies based on state law for dismissal.

15. Does the consortium have a formal document detailing its working beyond the questionnaire?

The Consortium is developing a more comprehensive and formal governance plan and bylaws, to be completed no later than February 1, 2016.

Some matters still to be addressed and resolved:

- **Quorum and voting issues will be re-addressed and clarified.
- Ensuring all members have a fair and reasonable opportunity to vote (say that every attempt will be made to not schedule or hold votes at a steering meeting where not every member is represented by an official designee? reschedule a vote once but not more?)
- Voting by proxy
- Voting electronically
- Resolving a tied vote
- Degree to which meetings will follow Robert's Rules of Order
- Can only a designee make a motion or second, or can any attendee?
- Member and partner fund request process - develop a form/application, and/or a rubric?
- Deciding who will be a member, how to officially invite that member to join, and then how to officially confirm their membership (e.g. official letter of invitation and official letter of acceptance?)
- How must a member officially withdraw if so desired?
- How will a member be officially asked/required to withdraw and under what conditions?

Consortium Member Signature Block

Name:

Consortia Member:

Email:

Date:

Signature Box: 

Name:

Consortia Member:

Email:

Date:

Signature Box:

Consortium Member Signature Block

Name:

Consortia Member:

Email:

Date:

Signature Box:

Name:

Jeff Lopez

Consortia Member:

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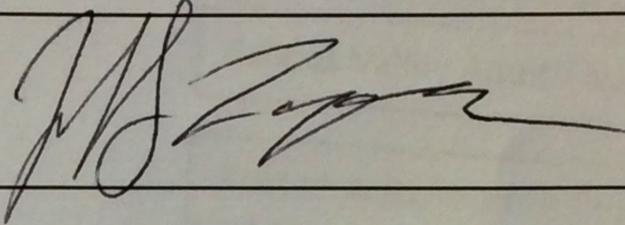
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Name:

Consortia Member:

South Monterey County Joint Union High School District

Email:

Date:

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Name:

Consortia Member:

Email:

Date:

Signature Box: