STOP

BUILDING THE ROAD AHEAD

The Tripartite Board During COVID-19

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Tripartite Board Requirements: Sources

CSBG Act

State nonprofit laws

State CSBG statute or regulations

Contracts with local CSBG eligible entities

State CSBG policy

Tripartite Board Requirements

- The CSBG Act requires CSBG Eligible Entities to have a tripartite board structure comprised of:
    - At least 1/3 people of low incomes or their representatives;
    - 1/3 public officials;
    - Remainder of representatives of the private sector or other major groups and interests in the community served
- That board must "fully participate in the development, planning, implementation, and evaluation of the program to serve low-income communities

CSBG Organizational Standards: Vision and Direction Board Governance

- **Standard 5.1**

  The organization's governing board is structured in compliance with the CSBG Act (noted previously)

- **Standard 5.2**

  The organization's governing board has written procedures that document a democratic selection process for low-income board members adequate to assure that they are representative of the low-income community.

CSBG Organizational Standards:
Vision and Direction Board Governance

- **Standard 5.5**

     The Organization's governing board meets in accordance with the ***frequency and quorum requirements*** and fills board vacancies as set out in its bylaws.

- **Standard 5.6**

     Each governing board member has signed a conflict of interest policy within the past 2 years.
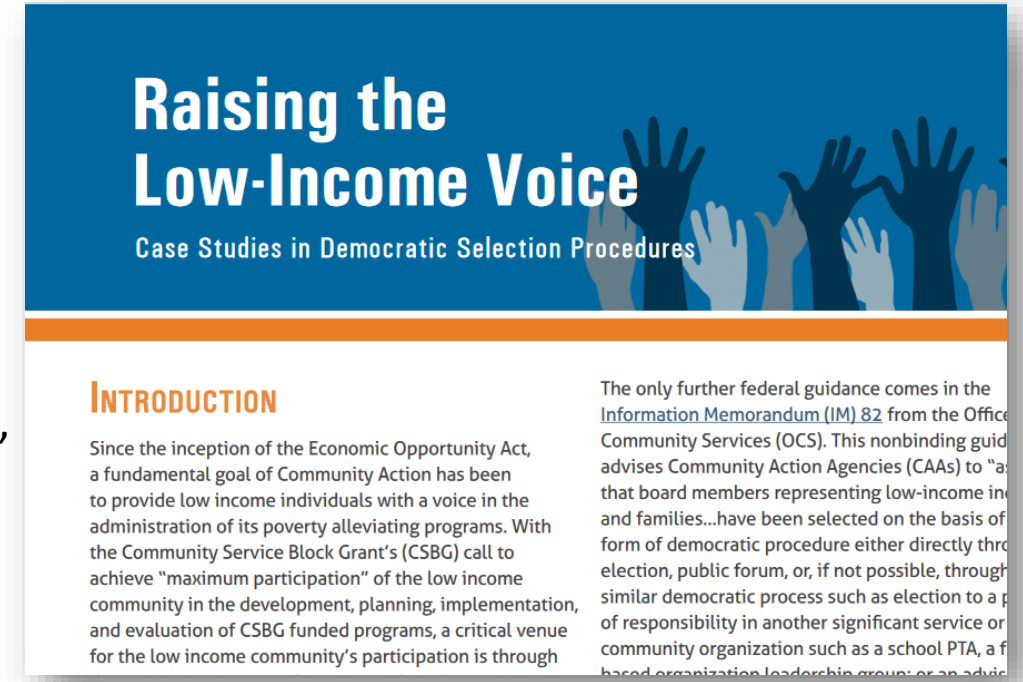
Vacancies: State Policies

- Ensure the state has a flexible policy for filling vacancies during the COVID-19 Pandemic
  - Peer Strategy: Extend maximum time a position can be vacant via a policy memo or other policy mechanism during the time of the public health pandemic
    - Get input from agencies: How long are vacancies taking to fill? What is a reasonable timeline?
  - Check out Peer State policies on the Member Portal: https://nascsp.org/member-resources/csbg-member-only-resources/csbg-covid-resources/

"Democratic Selection Process" in COVID

- A democratic selection process does not require in-person gatherings
- "Democratic process" can have many different looks
  - Community-wide election
  - Neighborhood-based/geography-based election
  - Micro-Democratic Selection Process
- Elections can occur through:
  - US mail
  - Secure websites
  - Longer in-person voting windows/voting by "appointment"

Strategies for Filling Vacancies during COVID

- **Public sector considerations**
  - **Membership often identified in bylaws**; may need to revisit public sector representation to determine if COVID has revealed gaps between CAA and key public sector leaders

- **Private sector considerations**
  - Existing Board members personal/professional networks
  - Targeted "sectors" not represented on the Board
  - Potential members with COVID/recovery-specific skills (public health, business, faith community, early childhood, education, etc)

- **Consumer sector**
  - Existing customer base
  - Former customers
  - Community members disproportionately affected by COVID (age, race, neighborhood, health/ability status)

- **Use a "Board Matrix"**

Raising the Low-Income Voice

Case Studies in Democratic Selection Procedures

INTRODUCTION

Since the inception of the Economic Opportunity Act, a fundamental goal of Community Action has been to provide low income individuals with a voice in the administration of its poverty alleviating programs. With the Community Service Block Grant's (CSBG) call to achieve "maximum participation" of the low income community in the development, planning, implementation, and evaluation of CSBG funded programs, a critical venue for the low income community's participation is through

The only further federal guidance comes in the Information Memorandum (IM) 82 from the Office Community Services (OCS). This nonbinding guid advises Community Action Agencies (CAAs) to "as that board members representing low-income in and families...have been selected on the basis of form of democratic procedure either directly thro election, public forum, or, if not possible, through similar democratic process such as election to a p of responsibility in another significant service or community organization such as a school PTA, a f based organization leadership group; or an advis

Recruitment Matrices
Board Source & CAPLAW

BOARD RECRUITMENT MATRIX

This matrix can be adapted to assist your organization's recruitment efforts by assessing your current board composition and identifying opportunities to diversify and/or expand your board.

Every organization is different. Use the table below to help distinguish the skills and strengths you need from board members depending on your organization's stage of development, community served, and other circumstances.

In considering board building, an organization is legally obligated to follow its bylaws, which may include specific criteria on board size, structure, and composition. Keep in mind that your organization's bylaws may need to be updated to incorporate and acknowledge changes in the environment and community that have made board structure changes necessary or desirable.

AREAS OF EXPERTISE/LEADERSHIP QUALITIES	NUMBER OF CURRENT MEMBERS	NUMBER OF PROSPECTIVE MEMBERS
Administration/Management		
Early-stage organizations/start-ups		
Financial oversight		
Fundraising		
Government		
Investment management		
Law		
Leadership skills/motivator		
Marketing, public relations		
Human resources		
Strategic planning		
Physical plant (architect, engineer)		
Real estate		
Understanding of community needs		
Technology		
Other		

CAPLAW Sample CAA Board Composition Matrix April 2012

Board Members	Sector			Diversity	Skill/Experience/Expertise							Access/Connections						Years on Board	Term Exp.	Committee	Office
	Public	Private	Low-Income	Examples: Racial, Ethnic, Disability, Age, etc.	P.R. Communications	Financial Planning/Management	Organizational Management	H.R. Management	Fundraising	Early childhood education & development	Attorney	Foundations	Wealthy Individuals	Business/Corporations	Politics/Government	Religious Community	Grassroots Constituents				
1. Jane Doe	X			Hispanic			X		X									1	9/1/13	Personnel	Secretary
2.																					
3.																					
4.																					
5.																					

http://www.caplaw.org/resources/Self AssessmentDocuments/CAPLAW_BoardComposition%20Matrix_April2012.xls

https://boardsource.org/board-recruitment-matrix/

Meeting Requirements

Board meeting requirements may be spelled out in your state nonprofit law; state CSBG regulation; policies; and/or contracts.

Be aware of meeting requirements, including open meeting requirements

Virtual board meetings can be an opportunity to join a board meeting

Allow for relationship building

- Be mindful of how your attendance may impact a board meeting
- Respect the authority and needs of the board

Board Meetings in the Era of COVID

- Even when in-person meetings are possible, they may not be desirable or feasible for some Board members

- Bylaw review – do bylaws provide alternatives? (teleconference, videoconference)

- Technology – do all Board members have equitable access/comfort with technology (videoconference, electronic documents, etc). Do Board members have equitable internet access?

- Board support – if meetings are occurring remotely or in hybrid form, does the Board, and its committees, have adequate staff support?

- Security – If meetings are required to be public, or if other stakeholders can attend, are these access channels properly regulated?

Board Membership considerations for individuals with low-incomes

- "Payment" for service may seem attractive, but it creates a potential liability/conflict of interest for the Board member and organization

- Supports for Board members should continue to be considered and budgeted when feasible:
  - Laptop/tablet
  - Internet access/mobile hotspot
  - Masks/PPE for in-person meetings
  - Safe/private transportation as an alternative to public transportation
  - Childcare support – even for "meet from home" situations

CAPLAW Board Training Videos

Board members watch individually

Show at board meeting

Use as part of board training / orientation

Facilitate board discussion

In Closing...

Remain Flexible

Identify training resources

Ensure Two-Way Communication

Support Allowable Costs

Embrace trauma-informed approaches

NCAP Resources for Boards

- **Board Engagement Webinar series (with CAPLAW)**
  - https://communityactionpartnership.com/publication_toolkit/board-engagement-webinar-series/

- **Orientation tools for Boards**
  - https://communityactionpartnership.com/external_resources/training-orientation-tools-for-public-private-caa-tripartite-boards/

- **Case Study in COVID Leadership – Northern Kentucky Community Action Commission**
  - https://communityactionpartnership.com/wp-content/uploads/2020/09/Final_HCCT_NKCAC-Case-Study.pdf
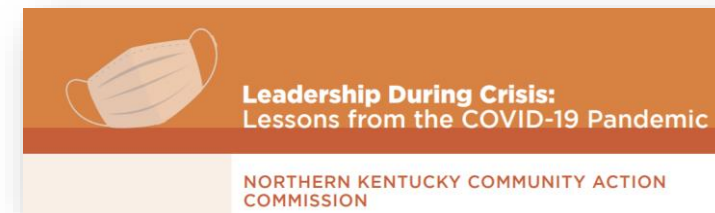
Resources

- [All a-Board! The Purpose, People, and Process of CAA Boards](https://caplaw.org/resources/Videos/BoardTrainingVideosLanding.html): CAPLAW has released three new videos exploring fiduciary duties, strategies for keeping board members engaged, and how to make the most out of the board's time together.
https://caplaw.org/resources/Videos/BoardTrainingVideosLanding.html

- [Tools for Top-Notch CAAs: A Practical Approach to Governance and Financial Excellence](https://caplaw.org/resources/PublicationDocuments/TopNotchToolkit.html): This six-section toolkit is intended to assist boards and management in their collaborative efforts to build well-governed and effective Community Action Agencies (CAAs).
https://caplaw.org/resources/PublicationDocuments/TopNotchToolkit.html

- [Raising the Low-Income Voice: Case Studies in Democratic Selection Procedures](https://caplaw.org/resources/publications.html#RaisingtheLow-IncomeVoice): These case studies address the various ways that CAAs are meeting the CSBG Act's requirement that the low-income sector of the tripartite board be selected in accordance with "democratic selection procedures."
https://caplaw.org/resources/publications.html#RaisingtheLow-IncomeVoice

- [NASCSP Member Portal](https://nascsp.org/member-resources/): The NASCSP Member Portal provides access to peer state policies and processes on a number of critical topics, including tripartite board policies and processes.
https://nascsp.org/member-resources/