

**FIRST 5 SAN LUIS OBISPO COUNTY  
CHILDREN AND FAMILIES COMMISSION**

**COMMISSION MEETING MINUTES**

May 22, 2013

**Commissioners Present**

Julian Crocker	SLO County Office of Education
Don Dennison	Children's Services Network
Penny Borenstein, M.D.	SLO County Public Health Department
Mary Kern	Community at Large
Janet Murphy	Community at Large
Melinda Sokolowski	Child Care Planning Council
Bruce Gibson	SLO County Board of Supervisors

**Commissioners Absent/Excused** - Lee Collins, Department of Social Services; Michael McNerney, M.D., San Luis Obispo County Medical Association

**Staff Present**

First 5 Staff: Susan Hughes, Jason Wells, Misty Livengood  
Commission Evaluator: Tom Keifer  
Commission Counsel: Patricia Gomez

**Call to Order**

Chairperson Crocker called the meeting to order at 4:15 PM.

**ITEM 1**

**Adoption of Agenda**

Commissioner Gibson made a motion to adopt the Agenda. The motion was seconded by Commissioner Kern and passed unanimously.

Chairperson Comments & Update - *None*

**ITEM 2**

**Public Comment**

Shannon White Bond, ELFA Coordinator and Co-chair of the Asset Development Network, thanked the Commission for developing and launching the Children's Bill of Rights (CBOR) and organizing the 2013 Children's Summit. She said First 5 staff members were valuable team members during all of the Month of the Child events in April. She also reported that the Asset Development Network was ready

to join in the CBOR community effort. On June 19<sup>th</sup> they will meet with First 5 staff to begin to create the community awareness plan. Ms. White Bond specifically thanked First 5 staff member, Misty Livengood, for her media expertise during the Month of the Child indicating there had been more media coverage than ever before. She credited Ms. Livengood's efforts with the increase.

Chairperson Crocker also took the opportunity to thank staff for their work on the Children's Summit and the Children's Bill of Rights.

### **ITEM 3**

#### **Consent Agenda**

- 1) Approval of the March 27, 2013 minutes
- 2) Approval of a 1) Commission recommendation to extend the terms of designated members Penny Borenstein, Lee Collins, and Julian Crocker to July 20, 2017 and 2) to submit the recommendation to the San Luis Obispo County Board of Supervisors for final approval after July 20, 2013
- 3) Approval of the 2013-14 Administrative Budget

*Public Comment: None*

Commissioner Gibson made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Kern and passed unanimously.

### **ITEM 4**

#### **Presentation: Changes State Preschool Programs Countywide**

Brad Schultz; Assistant Superintendent, County Office of Education, and Nancy Norton; Program Director – Preschool Programs, County Office of Education provided information regarding the changes to state preschool programs throughout the county for FY 2013-14. Audit findings in November 2012 indicated a large encroachment on the general fund due to both staffing costs and lower funding from the State.

It was necessary to implement cost cutting in order to reduce the encroachment by:

- ✓ Closing sites with low enrollment and where other preschool opportunities exist
- ✓ Moving programs to areas of the county that have the lowest socioeconomic populations and the greatest achievement gaps
- ✓ Changing staffing to consolidate programs and still serve the same number of children county-wide

The impact to First 5 School Readiness sites at Georgia Brown and Oceano Elementary Schools is:

- ✓ Closure and relocation of Georgia Brown and Oceano State Preschool slots to Bauer Speck and Nipomo State Preschool programs
- ✓ Closure of the San Luis Obispo and Los Osos State Preschools created the need to relocate the First 5 Extended Day programs to alternative sites

The relocations proposal for First 5 extended day programs include:

- ✓ Continue quality First 5 preschool program in the morning for 20 children at both sites
- ✓ Move the San Luis and Los Osos extended day programs to each of the First 5 Preschool sites (Oceano, Georgia Brown) to provide a full day program that will assist neighborhood families who are working or going to school
- ✓ Continue to provide existing extended day program at the Grover Beach State Preschool site

Mr. Schultz and Ms. Norton provided an overview of the proposed changes:

- ✓ The Capacity of State Preschool vs. Extended Day
  - State Preschool – 20 students
  - Extended Day – 16 students
- ✓ Restructured First 5 with Extended Day - Hours
  - First 5: 8 – 11:30 AM
  - Extended Day: 11:30 AM – 5 PM
- ✓ Enrollment Criteria
  - First 5: 4 year old neighborhood children first and then 3 year old children until filled
  - Extended Day: Start with First 5 AM children then recruit working neighborhood families

Several commissioners had various questions how the changes affect capacity at specific locations such as in San Luis Obispo and Los Osos where extended day programs were closed.

Commissioner Sokolowski asked about the maintenance of waiting lists at both sites and indicated a need for a universal list countywide (an effort that was lost due to funding cuts). She also spoke about federal funding cuts to Head Start next fiscal year.

Chairperson Crocker indicated this was a complex issue not only because of funding reductions to State Preschools, but also because of federal funding reductions to Head Start. He stated the fact that SLOCUSD has opened its own preschools is very positive. He also said that a new partnership has been created between SLOCUSD and the County Office of Education to maintain the preschool at Del Mar. He hopes to see more of this type of collaborative partnership in the future with respect to braided funding.

In the future he intends to convene meetings to discuss partnerships among State Preschools, Head Starts, First 5 and school districts with the goal of combining funding and resources to secure high-quality preschools at the 10 school sites designated as having the highest need.

*Public Comment: None*

**ITEM 5**

**Commission approval of amendments to the contract with San Luis Obispo County Office of Education (SLOCOE) for Extended Day Preschool Services**

Jason Wells, First 5 Program Officer, indicated that given the circumstances described by Mr. Schultz and Ms. Norton, he believed the proposed changes to the First 5 Extended Day Contract provided the best overall results for the program. He said the amendment was to move the two extended day programs to the School Readiness sites. He also stated the contract ends on June 30, 2014 and more discussion about the funding challenges would be part of the strategic planning process that will begin during the fall of 2013.

*Public Comment: None*

Commissioner Sokolowski made a motion to approve the amendment to the extended day contract. The motion was seconded by Commissioner Murphy and passed unanimously.

**ITEM 6**

**Commission Discussion: Election of a new Vice-Chair to serve from July 1, 2013 to December 31, 2013**

Chairperson Crocker noted that because of Don's Dennison's pending retirement, the Commission needed to elect a new Vice-Chair to serve out the current term. This election will be for six months only (July 1, 2013 to December 31, 2013). There will be a regular election at the first meeting of the 2014 calendar year.

Chairperson Crocker said he had spoken to Commissioner Borenstein who indicated she would accept the Vice-Chair nomination.

Commissioner Gibson moved to nominate Commissioner Borenstein for Commission Vice-Chair for the period indicated. Commissioner Borenstein accepted the nomination.

*Public Comment: None*

Commissioner Gibson made a motion to elect Commissioner Borenstein as Vice-Chair. Commissioner Sokolowski seconded the motion, which passed unanimously.

**ITEM 7**

**Approval of a Supplemental Conflict of Interest Policy**

After thanking Commissioners Kern and Murphy for their participation in the development of the Supplemental Conflict of Interest Policy, Patricia Gomez, Commission Counsel, provided a brief explanation of the various conflict of interest laws that govern a Commissioner's participation in decision-making and approval of contracts.

She indicated the Commission directed staff to develop an additional policy focusing on personal conflicts of interests. The Committee corresponded through email before meeting one time to review various policies from other First 5's as well as model policies recommended for non-profits in general. Ms. Gomez drafted a new policy and committee members reviewed, discussed and provided feedback to edit the policy.

The policy submitted for approval had the full support of the committee members. The policy sets the standards higher than the minimum requirements of the law by addressing personal conflicts of interest. It also details the specific procedure for Commissioners and employees to follow with respect to disclosing a personal conflict and directs that the facts of the conflict and Commissioner's abstention from the matter be recorded in the meeting minutes.

Commissioner Murphy indicated that following the policy should not be difficult because she believed the Commission had been careful to disclose conflicts in the past. This policy goes a step beyond the law by presenting guidelines.

Commissioner Borenstein requested additional clarification regarding the concept of remote interest, etc., and said she would contact Ms. Gomez directly.

Commissioner Gibson commented the policy gives clarity with respect to the procedure to follow. Ms. Gomez commented the committee had also discussed inserting the policy (or a checklist, etc.) into the Commission agenda packet as a reminder when there are items on the agenda that may present a conflict for one of the members. Commissioner Gibson would like to see that. Commissioner Murphy also suggested that each Commissioner could help other members in alerting them that they may have a conflict.

*Public Comment: None*

Commissioner Borenstein made a motion to adopt the Supplemental Conflict of Interest Policy. The motion was seconded by Commissioner Gibson and passed unanimously.

## **ITEM 8**

### **Approval of Various Consultant Contracts for Professional Services:**

- 1) Approval of a contract with Thomas Keifer Consulting to provide evaluation services to the Commission for the period of July 1, 2013 to June 30, 2015; total annual amount not to exceed \$27,300 as designated in the Commission's financial plan

Mr. Wells briefly described the contract with Thomas Keifer Consulting to provide evaluation services for the period of July 1, 2013 to June 30, 2015; with a twelve month renewal option to June 30, 2016. Evaluation services falls under the category of "exempt from competition" as stated in the Commission's procurement policy since the services are provided by persons having broad expertise in specialized areas.

*Public Comment: None*

Commissioner Dennison made a motion to approve the contract. The motion was seconded by Commissioner Murphy and passed unanimously.

- 2) Approval of a contract with ShowTel to provide IT services (website maintenance/design, computer work station and email maintenance) to the Commission for the period of July 1, 2013 to June 30, 2015; total amount not to exceed \$11,000

Susan Hughes, Executive Director, exited the room due to a conflict of interest with respect to the contract being considered for approval.

Chairperson Crocker explained that Susan Hughes would leave the room while the contract was being considered because ShowTel is owned and operated by her husband, Stephen Hughes.

Dr. Crocker announced that Commissioner Collins who could not attend the meeting had emailed a request to defer action on this item until the next meeting in June. In an email to Ms. Hughes, read by Chairperson Crocker, Commissioner Collins explained he believes this contract would be a violation of the ethics policy and that staff should continue to investigate other solutions. Dr. Crocker told Commissioner Collins that he would suggest the Commission honor the request to defer action.

Chairperson Crocker opened the item up for discussion and asked Mr. Wells to begin. Mr. Wells explained the process for procurement of bids. Eight bidders were sent invitations to bid. Questions received from bidders were regarding interviews and bidding on only some of the services requested. Mr. Wells explained that all bidders received email responses explaining interviews would be conducted after bids were received, and that bidders could apply for partial service provision. By the closing date, one bid, from ShowTel, was received. Mr. Wells explained that the bid was chosen because of ShowTel's current and past excellent service provision, as well as their ability to address and support all the various IT and web needs within the First 5 organization.

Addressing the question of conflict, Mr. Wells stated he believes this question is best left to the Commission and Counsel. Addressing the question of process, Mr. Wells stated that the Chair and Counsel were kept informed of the process as it evolved and had no objections to the recommendation being placed on the agenda. Additionally, Mr. Wells explained that doing the process differently could produce a different outcome, and he would be more than willing to redo and expand the search should the Commission request it.

Commissioner Murphy commented that she felt the provider has done an excellent job, been flexible and that she doesn't have a problem with this and would go forward with the contract.

Commissioner Sokolowski commented that by following the bid process of inviting many bidders there does not appear to be a conflict.

Commissioner Borenstein asked Counsel how this situation applies to the conflict laws with regard to Commissioners and staff.

Patricia Gomez responded that this is appropriate, and is considered a remote interest. She explained that through her relationship with Stephen Hughes, Ms. Hughes has a community property interest. The Commission may still contract with staff when there is a family/community property interest. She stated it (the contract) is consistent with the law, and the procedures that were followed were consistent with the law. Using the new policy would be an example of opting out of something for personal reasons that the law allows.

Commissioner Gibson asked if this was a bid process or request for proposal. Mr. Wells explained this was an invitation to bid process. Mr. Gibson asked why we wouldn't have gone for a broader request for proposal (RFP) process. He states that Commissioner Collins raises a point that is worthy of careful consideration, whether or not he agrees with his conclusions. Mr. Wells explained the contract level did not warrant a larger more costly RFP.

Commissioner Borenstein asked for further clarification as to why this is considered a remote interest. Ms. Gomez explained this is simply how the law defines it. Additionally, it was explained by Commissioners Murphy and Gibson that it is a remote interest with respect to the Commissioners as decision makers and voters.

Commissioner Kern asked if it was common for staff to bring contracts under \$10,000 to the Commission for approval. Mr. Wells says that it is not common for service contracts such as this one, but that all program contracts are approved by the Commission.

Commissioner Dennison asked if staff knew why others did not apply. Mr. Wells explained that he had hoped for more bids, and encouraged even partial bids to those who were sent invitations to bid. He explained again that an open RFP process might generate different results. Commissioner Dennison commented that there might be other legal questions with respect to diverting from the Commission's usual procedure as potentially being discriminatory to an applicant. He asked counsel if there was a problem with this.

Ms. Gomez said it could be an issue, but would need to look into it further. Commissioner Dennison suggested there are times when we can legally do something, but will opt out of doing it because of how it might be perceived publicly. He added that in regard to delaying action on the item, he would tend to defer to the request. He requested that any action be delayed until the Commission meeting after the June meeting (September 25, 2013).

Commissioner Gibson remarked that this conflict question deserves careful consideration and care. He suggested the request be redone as an RFP.

Commissioner Borenstein raised a question about the "exempt from competition" designations in the procurement policy, and requested this be reviewed in the future. Mr. Wells explained that a thorough policy review is planned when the new legal counsel is hired and in place.

Chairperson Crocker discussed the option to delay the item and to initiate a more thorough RFP for the services.

Commissioner Borenstein made a motion to direct staff to do a more extensive RFA/RFP and that, in the interim, we anticipate spending less than \$2,000.00 to continue necessary services with ShowTel. The motion was seconded by Commissioner Gibson and passed unanimously.

*Public Comment: None*

Ms. Gomez asked for clarification regarding the state of the ShowTel bid on the agenda. Commissioner Dennison stated the bid can be used for the RFP or resubmitted with changes.

Commissioner Borenstein made clear that we are to conduct a Request for Proposal.

Commissioner Gibson emphasized there are two points. 1. To make sure we have exceeded any reasonable standard of advertising the RFP, and 2. That "low bid" is not the main consideration.

## **ITEM 9**

### **Committee Reports**

#### 1) Executive Director Evaluation Process Committee

Don Dennison, committee chair, reviewed the process the committee followed to create a new document to use for the Executive Director's evaluation. He thanked Commissioners Sokolowski and Collins for their participation and also noted that the HR Director from the County Office of Education had been very helpful to the process.

He said he thought the Commission would find the new form more user friendly, since it includes a rubric to use as a basis for scoring for each category. In addition, the process has been changed to more of a 360° review to include Commissioner and staff reviews, along with reviews from colleagues and/or contractors identified by the Executive Director.

Commissioner Sokolowski agreed the form is better at defining categories and the 360° review process is used successfully in many other agencies.

The committee also discussed the formation of a personnel committee, but ultimately decided that was not what they were asked to do. Commissioner Dennison did suggest that the appointment of an Executive Committee may be something the Commission may want to consider, since the Chair and Vice-Chair have already been acting in that capacity (unofficially).

Chairperson Crocker indicated he would put that topic on the September agenda for discussion and possible action.

*Public Comment: None*



**ITEM 10**  
**Staff Report**

Susan Hughes asked Misty Livengood to give an overview of all the events associated with the Month of the Child (Board proclamations, Children's Day in the Plaza, 2013 Children's Summit and Hands-on Hero awards, etc.). Ms. Livengood reported on the results from the KSBY web campaign/sponsorship, which resulted in over 300 clicks on the Summit banner. Outreach regarding CBOR is continuing with a presentation at the Air Pollution Control District meeting at the end of May.

Ms. Hughes provided information on the Summit, provided information regarding state legislation that has been prioritized by First 5 CA, and ended with a reminder that strategic planning would begin in the fall of 2013.

**ITEM 11**  
**Commissioner Comments and Announcements**

Commissioner Sokolowski indicated she had received an email from First 5 Monterey County containing information on a new report by James Heckman regarding the importance of investing in early childhood education. She said she would forward it to staff for distribution.

Commissioner Gibson commented he was sorry to miss the Children's Summit.

Chairperson Crocker updated the Commission on the process to select a new counsel for the Commission. Applications were received from five law firms. The applications were scored by Don Dennison, Susan Hughes, Patricia Gomez and himself. The next step is to interview the two top scoring firms. He asked for a volunteer to join him, Commissioner Borenstein and Ms. Hughes in the interviews. Commissioner Kern offered to do it.

**ITEM 12**  
**Adjournment**

The meeting was adjourned at 6:40 PM

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*All materials referred to in these minutes, as well as an audio recording of the meeting, are available at the First 5 SLO County office. Call (805) 781-4058 for information. **The next Commission meeting will be: June 26, 2013, from 4:00 to 6:30 PM at the SLO County Office of Education BOARD ROOM, 3350 Education Drive, San Luis Obispo, CA 93405***