

**City of Fort Lauderdale
Community Services Board
January 14, 2013 – 4:00 P.M.
City Commission Chambers – City Hall
Fort Lauderdale, FL 33301**

MEMBERS		PRESENT	ABSENT
Richard Whipple, Chair	P	2	0
Wendy Gonsher, Vice Chair	P	2	0
Benjamin Bean	P	2	1
Margaret Birch	A	0	2
Earl Bosworth	A	1	0
Ann Clark	P	2	0
Helen Hinton	P	2	0
Bradley Katz	P	1	1
Jasmin Shirley	P	2	0

Staff Present

Jonathan Brown, Manager, Housing and Community Development
Marcia Gair, Administrative Assistant
Mario DeSantis, Liaison and Housing Administrator
Lisa Edmondson, Recording Secretary, Prototype, Inc.

Communication to City Commission

The Community Services Board would like to reiterate its support for the allocation of HOPWA funding to the Legal Aid Society. The Board believes that any concerns over conflict of interest can and should be resolved quickly to allow Legal Aid to continue providing the much-needed legal services they are currently providing in good faith, as the current funding cycle began on October 1, 2012.

I. Call to Order / Roll Call / Pledge of Allegiance

- **Quorum Requirement: As of January 14, 2013 there are 9 appointed members to the Board, which means 5 constitutes a quorum**

Chair Whipple called the meeting to order at 4:02 p.m. Roll was called and all stood for the Pledge of Allegiance.

II. Welcome and Board / Staff Introductions

The Board and Staff members present introduced themselves.

III. Approval of Minutes – November 15, 2012

Motion made by Ms. Clark, seconded by Ms. Shirley, to approve. In a voice vote, the **motion** passed unanimously.

Vice Chair Gonsher suggested that the minutes be provided earlier to Board members if possible.

IV. Kenneth Staab has Been Appointed to Another Board

Mr. Brown stated that Mr. Staab's resignation from the Community Services Board has been accepted.

V. Community Development Block Grant (CDBG) Public Services Category Recommendations

Mr. Brown explained that Staff has provided a list showing the current public service categories, as well as some additional categories he has seen. These additional categories include crime prevention programs, bus services, veterans' services, services for the elderly, drug abuse services, energy conservation, obesity programs, food, nutrition, and health-related activities, and legal services. These categories could be added as "other options" if the Board is interested in increasing the public service category.

He added that these categories are not all-inclusive, and there may be even more additional categories the Board would like to consider. A map of Community Development Block Grant (CDBG)-eligible areas has been provided for this purpose. Mr. Brown advised that some items, such as community gardens, cannot income-certify all its participants; for this reason, it would have to fit into one of these eligible locations for consideration. He concluded that this decision should be made by the Board at today's meeting, if possible, so Staff can begin the planning process for CDBG.

Chair Whipple recalled that the current setup of CDBG categories allows the Board to fund one project from each category, even if there is only a single applicant in that category. He recommended keeping this in mind before deciding to expand the categories.

Vice Chair Gonsher stated that a program should either be directed toward a specific population or a targeted need. She cited the example of services for the elderly, advising that it can be confusing to "mix population and need" in this manner. She felt the Board should either consider a type of service, such as crime prevention, transportation, or emergency food and shelter, or a population that fits into a specific need category, such as youth, the elderly, or veterans.

Chair Whipple said if no new categories are added to CDBG consideration, the additional categories would still fall under "other." Mr. Brown confirmed this, and recalled that one concern the members had raised was competition between projects in other categories. He noted that focusing on an activity or a population would be a good start if the Board wished to make changes.

Vice Chair Gonsher recalled that another dilemma had been variation in the size and expertise of applicants. Large agencies with grant writers and existing resources had been competing with local neighborhood grassroots programs within the same category. The result was that it was very difficult for the smaller programs to receive equivalent scores.

Ms. Hinton stated that it was difficult for smaller organizations to get a start without funding, and agreed with Vice Chair Gonsher that it was hard to compare small and large agencies. She asked to know how effective the programs funded with CDBG monies have been since the Board approved their funding. Mr. Brown replied that 2012-13 is the first year in which the Board has had an opportunity to recommend and institute performance indicators for agencies, which extends beyond measuring normal outcomes. He explained that information on these indicators will not be available until the end of this fiscal year.

Mr. Bean recalled that the Board had discussed adding a category specifically for small-budget programs, which would be limited to applicants that requested a lower level of funding. He stated that he would be supportive of adding this category.

Chair Whipple asked if establishing a category according to the dollar amount requested would be prohibited by Housing and Urban Development (HUD) funding regulations. Mr. Brown said establishing the dollar amount would be up to the City: the important consideration would be ensuring that the activity is a HUD-eligible activity.

Vice Chair Gonsher stated that she felt it was more sensible to fund programs aimed at specific needs instead of at specific populations. She offered a revised list of categories, which included shelter and housing, economic empowerment, crime prevention, transportation, drug abuse services, food, nutrition, and health, and other categories. She recommended eliminating special needs, for example, as this was specific to a population. Ms. Shirley advised that she saw special needs within a broader sense: for example, a community garden could fall under special needs if it was located in a community considered to be a food desert.

Mr. Brown observed that child care has historically fallen into the category of youth services, and asked which of the revised categories would include these agencies and services. Vice Chair Gonsher recalled that Jack and Jill, for example, had applied under the category of economic development in 2012. Ms.

Shirley pointed out, however, that not all child care services would consider themselves to fall under this category.

Chair Whipple said he would eliminate the category of transportation, as he felt CDBG dollars would best be used for other services. Mr. Brown commented that CDBG had funded bus services at one time; however, the service would have to operate exclusively within a low-income area, or individuals who used the service would have to prove income eligibility by obtaining a voucher for reimbursement. This ultimately became a hardship.

Mr. Bean said he was concerned there could be unintended consequences to eliminating or renaming service categories. He offered the example of eliminating youth programs, which could unintentionally result in less funding to programs of this type. Mr. Bean stated that there is sufficient need for youth programs and special needs programs that he would not want to see these categories disappear.

Vice Chair Gonsher added that it might be best to provide one year's notice before making changes to the existing categories, as this could place undue pressure on both Staff and the applying agencies. Mr. Bean suggested leaving the categories the same throughout the 2012-13 process, and making changes to the CDBG categories after making this year's funding recommendations. Mr. Brown agreed that this was an option as well.

Chair Whipple requested that in preparation for this later discussion, he would like to know how many applications are submitted in each category on an annual basis. This would allow the Board to see if any single category had significantly more applications than others, or if another category was underrepresented.

Ms. Shirley asked what projects might fall under legal services, other than projects that HUD might traditionally fund, such as tenant/landlord or mortgage issues. Mr. Brown said in addition to these, legal services could include programs that provide assistance to individuals filing for bankruptcy or preparing wills, for example.

Vice Chair Gonsher returned to the idea of adding a category for smaller projects, which might have a fiscal cap. Ms. Hinton asked if it would be possible to retain the existing six categories and add this new category. Mr. Brown confirmed that it would be possible, although it would mean the funds would be split further to include the new category.

Chair Whipple said he did not feel there was sufficient information at present to give Staff direction on adding another category. Vice Chair Gonsher disagreed, stating that the new category could be added without knowing the amount of funding at this time. She asserted that year after year, small projects compete at

a disadvantage with larger categories; she felt it would be possible to provide sufficient explanation of the new category.

Chair Whipple said it would be possible to assign a specific dollar amount to grassroots projects in local neighborhoods. Vice Chair Gonsher proposed that this category be exempt from ongoing funding, so no individual project could come before the Board two years in a row to request funds. This would mean funds would be provided for start-up projects only.

Ms. Shirley said at an earlier time, cities would fund start-up projects by grassroots organizations that were specific to a given community; over time, however, CDBG funds became an easier target for larger agencies to pursue. Vice Chair Gonsher explained that while projects could come back to request additional funding, they would not be able to do so within this category of small start-up projects, but would need to do so within another category.

Mr. Brown clarified that agencies could not seek more than three years' consecutive funding, and the funding amount must decrease each consecutive year. Mr. Bean commented that three years was not a long time when starting a new community organization, and it would be more appropriate to allow these projects to continue to compete in the proposed new category than to have them compete with much larger agencies the following year. Vice Chair Gonsher said she saw this differently, as this would mean no other start-up project might be funded for three years. She felt smaller projects may have an easier time sustaining themselves after their start-up costs are covered.

Motion made by Vice Chair Gonsher, seconded by Ms. Clark, that the Board continue the six categories as they are. In a voice vote, the **motion** passed unanimously.

Motion made by Vice Chair Gonsher, seconded by Ms. Shirley, that the Board add one additional category, and that [it] be a category for community grassroots start-up projects.

Vice Chair Gonsher asked if the proposed category could be added at today's meeting, and Staff could return at the next meeting with a more formal description of what it would include. Mr. Brown explained that the sooner this information is provided, the better, so Staff could give the agencies sufficient time to put together an application package and give the Board time to review the applications. Staff would also need to take the new category to the City Commission prior to the submission of their annual action plan. He estimated that the initial target date to present this piece of the plan to the City Commission would be the first meeting in May.

Ms. Shirley asked for more information on why the new category would be added, pointing out that all CDBG funds were originally intended for start-up, community-based grassroots projects. She felt it was incorrect to assume that only larger agencies would be funded under the current system. Vice Chair Gonsler said while she agreed with this in philosophy, in practice the larger agencies have received higher scores.

Ms. Hinton commented that CDBG funds have not been given to smaller grassroots projects in recent years. Chair Whipple agreed that without a separate category, he did not feel it would be possible for these smaller agencies to compete fairly with a larger agency with an experienced grant writer and financial backing.

Mr. Brown added that there have been issues with both larger and smaller agencies lacking sufficient staff to carry out their requirements: while they may spend money, these dollars cannot be reimbursed due to a lack of documentation.

Vice Chair Gonsler suggested that grassroots community projects be defined as follows: addressing small, local needs; being both developed and implemented within a neighborhood; being predominantly operated by volunteers; and using CDBG funds for start-up purposes. Mr. Brown observed that these requirements are very general, and would open the door to a very broad variety of prospective applicants. Vice Chair Gonsler said while there may be a great many applicants, the Board would ultimately only fund the best and highest-rated project(s), as in the other categories.

Mr. Brown noted that awarding federal dollars would mean the prospective projects must have an employer identification number (EIN) or data universal number system (DUNS) number, which small neighborhood operations might not have. This would mean they would not be able to qualify for CDBG funding. Ms. Shirley pointed out that these organizations would have the opportunity to join with other agencies, such as a community center, to carry out the project.

Mr. DeSantis suggested if small grassroots organizations do not have these numbers or do not know how to obtain them, the Board might wish to consider undertaking a public education or outreach process so these agencies could take steps to become eligible by the next cycle.

Ms. Shirley asked how the CDBG program is marketed and promoted by the City. Mr. Brown said the City makes regular program announcements; there has also been discussion of a "CDBG Day" to be held by AVIS, which is the new housing program administrator for the City's rehab program.

Mr. Bean remarked that he was not certain why language was being added to specify neighborhoods and communities, as this could lead to the exclusion of other potential start-up agencies that might operate within a broader base. He suggested that the new category be limited to applicants requesting less than a certain amount. Chair Whipple stated that this would be too similar to the existing approach, as a large agency might only want a small amount of funds. He added that there is no reason a business or agency cannot partner with a neighborhood association to undertake a project within a specific neighborhood.

Ms. Clark expressed concern with limiting the category to agencies operated by volunteers only, as there are organizations within the community that have assisted with the start-up of grassroots projects but departed once these projects are on their feet. Vice Chair Gonsler returned to the previous year's discussion, noting that the intent was to promote participation by smaller groups that typically consisted of volunteers. She concluded that this would be only one step toward implementing a philosophy that would make it easier for smaller organizations to compete.

Mr. Bean asked if an organization is allowed to apply within more than one category. Mr. Brown said he did not believe this was possible, as the agencies had been required to declare a category the previous year.

In a voice vote, the **motion** passed 6-1 (Ms. Clark dissenting).

Mr. Brown requested greater clarification of "small local needs." Chair Whipple said he felt this specification was less important than targeting a specific CDBG-eligible neighborhood. It was noted that the term "neighborhood" would apply in this case to CDBG-eligible neighborhoods within the City.

Mr. DeSantis proposed that larger agencies could be required to partner with smaller organizations at the local grassroots level in order to be eligible within this category. Ms. Shirley expressed concern that this could result in a partnership in name only, in which larger groups controlled the process entirely. Mr. DeSantis said more specific guidelines for this type of partnership could be developed at a later date.

It was clarified that the category would be limited to applicants requesting no more than a specific amount, such as \$15,000. Ms. Hinton said if the cap is set at this amount, it might be possible for more than one agency to be funded within it if they request less than the cap. It was noted that larger agencies' applications were capped at \$50,000.

Motion made by Vice Chair Gonsler, seconded by Mr. Bean, [to set the cap of] \$15,000. In a voice vote, the **motion** passed 6-1 (Ms. Shirley dissenting).

VI. HOPWA Funding Status for Legal Aid

Mr. DeSantis reported that the City is still awaiting a response from HUD on some of the City Attorney's questions. Once this response is received, this funding may proceed.

Ms. Hinton requested more information regarding the resolution of this issue. Mr. Brown said the City Commission has asked Staff to seek guidance from HUD regarding some of the terms of the contract.

Patrice Paldino, supervising attorney for the housing unit at Legal Aid, advised that this agency has been serving HOPWA clients in good faith who have come to Legal Aid by way of referral from other HOPWA-funded agencies. She recalled that the Board had determined Legal Aid to be the best use of funds slated for use in non-housing supportive services. She asked that the Board not consider reallocation of these funds at present.

Ms. Paldino continued that the question of whether or not there was a conflict of interest for Legal Aid to receive HOPWA funding had arisen based on termination hearings, with the City acting as final arbiter. Although Legal Aid does not feel there was a conflict, they agreed not to use HOPWA funds to represent individuals at termination hearings. They were then advised that the City was concerned Legal Aid might reveal potential program violations at these hearings, although their attorney/client duty requires no such revelation of client confidences. Ms. Paldino stated that the City and Legal Aid coauthored a letter to HUD requesting an opinion on this issue, which has not yet been received. The City Commission then revealed that Legal Aid represented clients in an unrelated federal lawsuit against the City, which was also perceived as a conflict of interest.

Ms. Paldino asserted that Legal Aid is consistent in its belief that there are no conflicts of interest with regard to the HOPWA program, as HUD defines conflict of interest to exist only when an individual perceived as being in conflict receives a fiscal benefit. It is hoped that there will be a response to the City's letter by the January 22, 2013 City Commission meeting. She concluded that when funds are spent with Legal Aid, the agency ensures that individuals remain stable in their homes and that federal funds are not spent on persons not entitled to them. If Legal Aid does not provide these services, many individuals could not otherwise afford legal representation.

Chair Whipple stated that the Board's recommendation has not changed and they continue to fully support the funding of Legal Aid. Mr. Brown said while it is hoped that HUD will respond soon, this cannot be guaranteed.

The Board agreed by consensus to send a communication to the City Commission that they are still supportive of the funding of Legal Aid. Chair

Whipple added that they would also like to emphasize the timeline of this funding request.

Mr. Brown explained that the issue is not necessarily a negative reflection on Legal Aid: the City's concern is if Legal Aid learns a client is not eligible for their program, HUD may ask the City to return these funds. With regard to the representation of clients who had issues with the City, it was stated that the City misused funding, including HOPWA funding; as a result, the Mayor and City Commissioners were concerned that Legal Aid was requesting the funds that the City was accused of misusing, which led to the request of a review by HUD. He concluded that due to the nature of these questions, it was difficult to estimate when a response from HUD might be forthcoming.

Tom Pietrogallo, Director of Psychosocial Services at Care Resource, stated that Care Resources is one of the agencies referring clients to Legal Aid for services. He advised that Care Resources cannot continue to absorb more clients than they already have; if the issue with Legal Aid is not resolved, Care Resources would need more money to hire more housing case managers.

Ms. Shirley pointed out that Legal Aid's proposal was not for housing case management, but support services. She asked Ms. Paldino to explain Legal Aid's program for housing support services. Ms. Paldino replied that Legal Aid had applied within the category of non-housing supportive services, which placed them in the same category with agencies that requested funds for case management. Legal Aid provides civil legal defense in various areas. She noted that all cases coming to Legal Aid were legal in nature rather than for case management.

Mr. Brown added that should the City Commission choose not to fund Legal Aid, there are other agencies interested in additional funds, as they had received less than the amount they requested. Mr. Pietrogallo confirmed that Care Resources was one such agency, as they now have more clients than they can serve. He clarified that while case managers do not practice law, they may talk to landlords to determine if an eviction may be avoided. While their case load requires three case managers, their funding only allows for two.

Pablo Calvo, representing the Broward Regional Health Planning Council, stated that with regard to clients whose rents are in arrears, there is a separation between what case managers can do and what attorneys can provide. While case managers may speak to landlords and assist clients in searching for employment, for example, agencies such as Legal Aid can advise clients of their legal rights and help defend these rights. Case managers may refer clients to agencies such as Legal Aid so attorneys can ensure these clients are legally protected.

Lisa Agate, representing Minority Development Empowerment, recalled that in the past, when Legal Aid was not funded, evictions and other legal issues were still addressed through HOPWA. She suggested that the Board consider how these issues were handled before the funding of Legal Aid.

VII. Jack & Jill Performance Indicators

Mr. Brown explained that representatives of the Jack and Jill Children's Center had not been present at the Board meeting in which performance indicators were developed; as a result, the agency had questions regarding these performance indicators, and has asked that some changes be made. He provided the members with a description of the agency's program, as well as a list of the performance indicators as approved by the Board and the changes requested by the agency.

Shannon Prohaska, Executive Director of Jack & Jill Children's Center, stated that they have proposed two alterations to the recommended indicators.

The first performance indicator stated by the Board recommends that 80% of children served will make pre-academic development progress equal or greater to their months in the program. Ms. Prohaska said this was clarified to state that 80% of children will show increased levels of social, emotional, and cognitive growth, based on their appropriate age levels. The revised performance indicator states that 100% of the children not performing at age level would receive the proper attention for detection of behavioral, developmental, or physical concerns.

She continued that the second indicator could be changed to reflect the following language: 80% of parents completing the 10-week class would show improvements or remain outside of the at-risk range of positive parenting beliefs and expectations. This screening would be done using an assessment tool before and after the completion of the class.

Vice Chair Gonsler commented that this change would mean a student in the Jack & Jill program for one year who "makes a month of developmental improvement" would fall within the 80% range; the original indicator would mean that student must show a year's worth of improvement. She did not feel this would be sufficient improvement. Ms. Shirley added that the agency's program is tailored to guarantee that developmental progress will be made, which is why the Board had suggested improvement be tied to the length of time a child is in the program, or greater.

Ms. Prohaska explained that children are not screened at the beginning and end of each month, but on a quarterly basis. Mr. Brown noted that the Board had required semiannual rather than quarterly reporting by the agency.

Ms. Prohaska continued that the change regarding parenting classes was requested so the language relates to the pre- and post-assessment screening tool used by the agency. Mr. Brown clarified that this proposed indicator would replace the second indicator proposed by the Board.

Ms. Shirley observed that this change would be a weaker requirement than the indicator set forth by the Board. She pointed out that because parents are required to participate in the program, 80% of the parents who attend the class should be able to meet the stated goal, either in oral or written form. Ms. Prohaska said that she had hoped to clarify the meaning of "state orally or written sound age-appropriate behavior management," as this was different from the agency's performance indicator language.

Mr. Bean said he felt the proposed change was more specific, as it would be measured by the agency's assessment tool. Ms. Prohaska advised that this tool is required by the State.

Vice Chair Gonsler asked to know what is measured by the assessment tool. Ms. Prohaska said the tool measures pre- and post-program risk levels for abuse or neglect. Some risk levels are related to having knowledge of appropriate behavior management techniques. Vice Chair Gonsler agreed that this was what the Board had hoped to measure.

Ms. Shirley asked how the assessment tool measures the way a parent remains outside risk or at risk. Ms. Prohaska said the tool would measure how the 10-week course, through education, reduces a parent's risks for abuse or neglect. Vice Chair Gonsler suggested changing the phrase "abuse or neglect" to "abuse and neglect." Ms. Prohaska agreed to this change.

It was clarified that the first performance indicator as stated by the Board would remain the same. Ms. Prohaska said the discussion had helped clarify this indicator.

Chair Whipple recalled that the Board had intended to keep performance indicators uniform for all the agencies in each category; for this reason, he felt there should be only four indicators. Vice Chair Gonsler added that screening 100% of children for concerns is part of the agency's job rather than a performance indicator. Ms. Prohaska agreed that this would not be considered an indicator.

Motion made by Vice Chair Gonsler, seconded by Mr. Katz, that [indicator #1] remain[s] as is; #2 is changed to the submitted #5, with the change of the word "and" for "or;" #3 is the same; #4 is the same. In a voice vote, the **motion** passed unanimously.

VIII. Good of the Order

Mr. Brown stated that Staff plans for the Board to begin reviewing CDBG public service applications in April. He advised that an alternate date would be determined at the February meeting in case it becomes necessary. Applications will be available as of February 12.

He continued that on April 3, 2012, Mr. Staab had suggested changes to the applications. Mr. Brown provided the Board with the email listing these proposed changes, as well as copies of the public service applications and scoring criteria. He explained that this could be addressed at the February meeting.

Chair Whipple recalled that he would like Staff to review the applications before they are sent to the Board, as some applications are incomplete. He asserted that the Board should not receive applications that should be disqualified from the process. It was suggested that a checklist for completion be provided to both applicants and Staff to ensure that no information is missing.

Chair Whipple asked if HOPWA issues with invoice processing have been addressed. Mr. DeSantis said this process is improving, as he has devised a spreadsheet to help simplify the agencies' budgeting.

IX. Items for the Next Agenda

Mr. Brown reiterated that the CDBG applications and scoring criteria will appear on the February Agenda. The Board will review Mr. Staab's recommendations for changes to these items.

Mr. DeSantis asked that the Board consider what they may need in order to help them become more knowledgeable about the HOPWA process. This will allow him to compile this information and report back to the members. Vice Chair Gonsher requested an update on the split funding between Broward Regional and Broward House with regard to tenant vouchers.

X. Communications to the City Commission

Vice Chair Gonsher made the following statement: the Community Services Board wants to reiterate its support for allocation of HOPWA funding to Legal Aid Society. The Board believes that any concerns over conflict of interest can and should be resolved quickly to allow Legal Aid to continue providing the much-needed legal services they are currently providing in good faith.

Chair Whipple requested that the communication also note that the fiscal year for this funding began on October 1, 2012.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 5:45 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]