



## Desert Regional Consortium Governance Compliance of Rules and Procedures

Consortium Name:

Fiscal Agent or Fiscal Coordinator:

Consortium Point Person (or person submitting this document):

Name:

Consortium Role:

E-Mail:

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?

Yes, in accordance with AB104 all eligible providers of adult education were allowed to join the consortium as 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?

Yes. All members are committed to reporting to CAEP any funds available to that member and the use of those funds for the purposes of education and workforce services. Each member will present a written summary of related resources and their uses so that the consortium can assess the potential to leverage such resources.

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 respective Governing Board has designated an official to represent the respective districts/LEAs. As proof of Governing Board actions, copies of respective Governing Board minutes will be submitted as supportive evidence of these designations.

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

The DRC board consists of five members. Officers include one chairperson and two vice-chairpersons. A quorum is required for the consortium to conduct business. A quorum at present is three members present. All decisions are made at regular and/or special meeting of the Consortium. If a member cannot attend a meeting, that member may temporarily appoint his/her designee from their organization with delegated authority. Such delegated authority must be in writing and signed by the member prior to the meeting. The consortium is Ralph M. Brown Act Compliant. All members and their designees will attend Ralph M. Brown Act Training.

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

e.g. 1 member = 1 vote

e.g. 1 institution = 1 vote (thus giving districts with multiple institutions multiple votes)

e.g. Other (e.g., votes proportionate to adult students served)

The consortium member's relative voting power will be one vote for each member.

6. How will decisions be approved?

e.g. by majority vote of 51%, or 50% +1 vote, or  $\frac{2}{3}$  of votes

e.g. by consensus

A quorum at present is three members present. A majority of the quorum is necessary for approval of decisions. It is further decided that votes will be voiced by stating yes or no. Abstentions will be noted.

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

Our consortium members and partners reviewed and discussed various governance models and worked together to decide and agree upon the decision-making model that works best for our consortium.

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

All agenda items are requested from DRC members eight (8) days prior to DRC regularly calendared meetings by the DRC Secretary. A draft agenda will be provided to all members six (6) days prior to DRC regularly scheduled meetings for final approval and/or additions to the agenda. The final agenda is published by the Webmaster and Secretary, at direction of the Consortium Director four (4) days on the DRC webpage prior to the regularly scheduled DRC calendared meetings.

In addition, DRC encourages all interested persons to attend regularly scheduled DRC Board meetings and to address the DRC Board concerning any item on the agenda or within the Consortium's jurisdiction.

The DRC Board will act in accordance with the Brown Act of 1953 as contained in section 54950 et seq. of the California Government Code.

The following rules are intended to facilitate a presentation to the DRC Board:

- A. For matters not listed on the agenda:
  - I. Any individual who wishes to address the DRC Board on any item of interest to the public that is within the subject matter jurisdiction of the DRC and not listed on the agenda may do so under the agenda item entitled "Public Comments."
  - II. Without taking action, DRC members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda.
  - III. In keeping with its right to determine the length of time to be allotted to agenda items, the DRC Board has determined that the overall time to be allowed for the agenda item entitled "Public Comments" shall not exceed three (3) minutes per person, and a total time of 20 minutes, unless there are extenuating circumstances, in which case the DRC Board may extend the overall time limit.
- B. For matters listed on the agenda, a person who wishes to address the DRC may do so by completing a brief form (including name, address, and agenda item). Upon recognition, the person should state his or her name and may address the DRC. The order of public comments on the agenda item will be determined by the order received. Individuals shall be allowed up to three (3) minutes to address the DRC Board on each agenda item during the general public comments section of the agenda, unless there are extenuating circumstances, in which case the DRC may extend the time limit for individual remarks.

All decisions of the Desert Regional Consortium are final.

**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?**

Public notice of proposed consortium decisions will be posted in both an accessible public area as well as on the consortium's website. Each agenda provides for public comment. Comments will be reviewed, assessed, and considered as decisions move forward. If requested, information that is public record shall be made available.

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

A summary of comments submitted by members of the public, as well as all decisions made by the DRC Board, will be recorded in the meeting minutes, and published publicly on the DRC website.

**11. Describe the process by which the consortium will solicit and consider comments and input regarding 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 DRC will solicit and consider comments and input regarding a proposed decision from other entities that provide education and workforce services for adults in the region by announcing its tentative decision in its regularly scheduled meeting and soliciting comments from their entities at the time of the meeting. The Chair of the Consortium may limit comment time of each entity to 10 minutes or less in the interest of conducting a meeting in a timely manner. Members of the Consortium will consider comments and can make a final decision at the meeting and/or defer a decision for further consideration.

In addition, the DRC will consider input provided by pupils, teachers employed by local educational agencies, community college faculty, principals, administrators, classified staff, and the local bargaining units of the school districts and community college districts before making decision.

Discussion of agenda items to be considered, at regularly calendared DRC meetings, will be discussed by the representative members of the Desert Regional Consortium (COD, CVUSD, DSUSD, PSUSD, and RCOE), as well as the RCOE – School of Career Education Center representative and the Consortium Director, however voting shall be done only by the five representative members.

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

The initial Maintenance of Effort (MOE) funding will flow directly to the relevant members as determined by the state. However, consortium allocations will be distributed in a manner determined by the Desert Regional Consortium on a year-to-year basis. Before the distribution of funds, the consortium's governance group will approve an expenditure plan and budget that is aligned with the three-year action plan. All decisions of the Desert Regional Consortium are final.

Funding for new members will be determined at the time new allocations are released by the State and approved by the Desert Regional Consortium.

**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?**

The Desert Regional Consortium has elected to have Direct Funding in order to have funds flow directly to the member districts based upon the approved distribution schedule. In addition, all DRC members use Galaxy software to maintain all income and expenditures. Galaxy software is maintained by Riverside County Office of Education for all school districts/colleges and is audited annually. The fiscal information both Summary as well as Detailed, is used to enter data from all members for reports and justifications as required by the Chancellor's Office/CDE via electronic portal at the appointed reporting periods. The fiscal information is gathered by Members and uploaded via the CAEP NOVA system. The Consortium Director then certifies the budget and enters it via NOVA after being certified by a certifying official from each member agency prior to final submission.

**14. DRC MOUs and Contracts:**

All MOUs and contracts which take effect Quarter 1, must be written and completed prior to July 1 for submission at the first Board of Trustees or School Board meeting in July as to not cause a delay in implementation.

All subsequent MOUs and contracts are to be completed and submitted to the respective School Boards or Board of Trustees in a timely basis to as to not cause a delay in implementation.

**15. How does the consortium monitor and administer carryover funds?**

Following the CAEP recommendation of First in First Out (FIFO), the DRC Consortium Director, in conjunction with the member business departments, monitor the rate of expenditures to determine the first allocated budget is spent in a timely basis and adequate carryover funds are available for subsequent years. The CAEP Adult Education Program Fiscal Program Guide recommends spending targets of 15% Quarter 1, 30% Quarter 2, 45% Quarter 3 and 60% Quarter 4, targets based on the current active funding for the 12-month period (July 1st to June 30th), which includes all active carry-over funds and any new funds. The member fiscal year or 12-month budget in NOVA reflects all active funding. Failure to meet targets will result in a corrective action plan. In the event a member is unable to spend its allocated budget, the funds may be allocated after an agreed upon majority vote by the DRC. Via MOU unspent funds will then be allocated to other DRC member(s) with the proviso that the funds will be fully spent, and invoices fully paid by the end of the Quarter 4. All funds must be spent as per the CAEP Adult Education Program Fiscal Program Guide.

**16. What is the consortium's defined "excessive" member carryover percentage carryover?**

AB 1491 would authorize a consortium to reduce a member's allocation by no more than the amount of the member's carryover, as defined, if the consortium makes a finding by a majority vote, based on the

member having excessive carryover for at least 2 consecutive fiscal years beginning with the 2022–23 fiscal year, that the member has been consistently ineffective in providing services that address the needs identified in the adult education plan.

AB 1491 would require a consortium with carryover from one or more prior fiscal years exceeding 20% to submit a written expenditure plan, as specified, to the chancellor and the Superintendent, and would require the chancellor and the Superintendent to prescribe and assign technical assistance to that consortium to ensure that adequate adult education services are provided to the region in proportion to the region's available funding.

#### **17. How will members join, leave, or be dismissed from the consortium?**

Members who shall join in accordance with the California Legislature (Article 9. CAEP Program [84916]) will be allowed to join automatically. It is the intent and expectation of the California Legislature that any community college district, school district, or county office 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 shall be a member of a consortium pursuant to this article if it receives funds from any of the following programs or allocations:

(a) The Adults in Correctional Facilities program.

(b) The federal Adult Education and Family Literacy Act (Title II of the federal Workforce Innovation and Opportunity Act).

(c) The federal Carl D. Perkins Career and Technical Education Act (Public Law 109-270).

(d) Local control funding formula apportionments received for students who are 19 years of age or older.

(e) Community college apportionments received for providing instruction in courses in the areas listed in subdivision (a) of Section 84913.

(f) State funds for remedial education and job training services for participants in the CalWORKs program.

Members may partner with other organizations; however, such partnerships are voluntary on the part of each member.

A Local Education Agency (LEA) representative may not be dismissed from the Consortium unless they voluntarily choose to do so. However, in the event the LEA designated representative fails to participate in meeting and/or meet its other obligations as a representative (more than three times), the Consortium may deem this representative as non-compliant and may request a newly appointed designee from the governing body of that member. If a representative of a member needs to leave the Consortium, the governing body of that member must officially designate a new representative. If a member decides to leave the Consortium, a letter of resignation, approved by their governing body, must be submitted giving the Consortium 60 days' notice. A permissive member may be dismissed for nonperformance or noncompliance by a majority vote of the members.

#### 18. CAEP Legislative Requirements:

- CAEP member effectiveness is defined per the CAEP assurances listed and further defined/mandated by education code (84900 – 84920).
- The CAEP assurances are part of the CFAD certification process in NOVA (in order to receive state CAEP funding).

#### 19. NOVA Certification:

- Each CAEP consortium member agrees to follow the list of CAEP assurances when they certify their annual allocation via the Consortium Fiscal Administration Declaration (CFAD).
- By clicking "Approve" in the NOVA system, the member is confirming that they agree to all the CAEP assurances listed under sections labeled: Membership & Decision-Making, Public Meetings, and Reporting Requirements.
- This also includes members certifying to any additional consortium rules and procedures and, as agreed upon by the consortium members (such as any additional by-laws, charters, etc.).

#### 20. What will be DRC Consortium Member Responsibilities:

- Consortium lead/director must monitor member performance related to the CAEP assurances and identify members for non-compliance.
- Consortium lead/director must provide members technical assistance and/or reach out to the CAEP Technical Assistance Project (TAP) as part of the reasonable intervention to help their members.
- Once a reasonable intervention has been attempted without success, the consortium may deem that member as ineffective, and their funding may be reduced.
- If a consortium chooses to decrease the member's funding, the consortium must document the reason, the technical assistance/reasonable intervention provided, and the public meeting minutes of how/when the decision was made. This documentation must be posted to the consortium's Supporting Documentation section in NOVA.

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

(Please provide a link) - <https://desertregionalconsortium.org>

The Three-Year Plan, Annual Plans, Consortium Fiscal Administration Declaration (CFAD), Expenditures and Allocations Schedule documents will serve to detail working beyond this questionnaire. Currently, the Desert Regional Consortium CFAD submission serves as the frame of reference for developing further implementation plans and schedules. The May 2022-25 Three-Year Plan is posted in the CAEP and DRC Websites. As plans and schedules are finalized and updated, the consortium's work is based on the most current workplan with timelines.


Consortium Member Signature Block

Name:

Consortia Member:

Email:

Date:

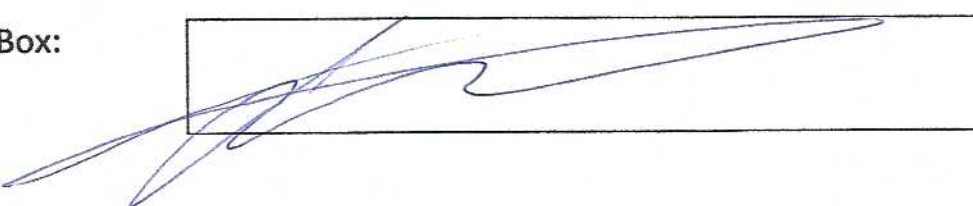
Signature Box: 

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Consortia Member:

Email:

Date:

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Name:

Deanna Keuilian

Consortia Member:

Palm Springs Unified School District

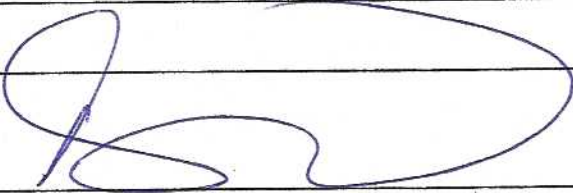
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Larry Bellanich

Consortia Member:

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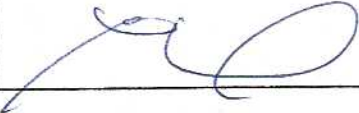
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