

LOCAL BOARD'S RESPONSIBILITIES

Each award phase is new; therefore the Local Board is a new entity in every phase. The convener of the Local Board must ask each National Board agency to designate or re-designate a representative every program year. Other invited agencies must also designate or re-designate a representative each year. Each agency represented on the Local Board should have an alternate from their agency to attend meetings when the designated board member is unable to attend. If there is more than one representative from an agency/organization present, only one vote is allowed for the agency/organization. To ensure funding, the Local Board chair or staff must complete and return all required (original) forms to the National Board by the specified deadline (Local Board Plan, including LRO pages with designation of dollar amounts [whole dollars only of \$500 or more] awarded, Local Board Certification Form, Local Board Roster, and Certification Regarding Lobbying Forms as needed).

The National Board assigns each jurisdiction an ID number (#) under this program as well as numbers for each LRO either new in this phase or previously funded. **When contacting the National Board for assistance regarding this program, please reference your Local Board's ID # and LRO #.**

Composition/ Roster

Each jurisdiction designated by the National Board to receive funds will constitute a Local Board. Local representatives of the National Board member agencies (see page iv for those organizations) must be invited to serve on the Local Board. **An agency's own governing board cannot replace or act as the Local Board.**

The highest ranking county government official or his/her designee will replace the National Board's FEMA member.

National Board affiliates

Each Local Board will provide a roster of members with their plan. The roster must reflect the status of National Board member agencies. If a National Board member agency does not serve the jurisdiction, this must be noted on the Local Board roster. Required information for all Local Board members consists of the name of the agency, Board member's name, address including zip + 4, telephone number, fax number and a valid email address for the Board member. If an agency is invited but chooses not to participate, the same information must be provided noting that they were "invited but did not participate" on the Local Board roster. The name of the individual invited must be included along with all of the agency information.

If the convener of the Local Board is unsure of the appropriate National Board affiliate to invite, they should check the National

Board members' agency web site. In jurisdictions where affiliates of National Board agencies do not exist, other appropriate groups and individuals **must** be invited to sit on the Local Board. For example, if there is no Catholic Charities, a comparable Roman Catholic group or a priest could serve. In the case of The Jewish Federations of North America (JFNA), if no local Jewish Federations exists in a given jurisdiction, each Local Board must first check with JFNA to identify local JFNA-affiliated Jewish organizations to serve. You may call The JFNA at (202) 785-5900. If none are available, then a comparable group or synagogue representative may be asked to serve. National Council of Churches (NCCC) is a Protestant and Christian Orthodox group and could be represented by a member communion of the NCCC or a local ecumenical or interfaith organization including community ministries.

It is not a requirement for either a mandated National Board member agency or other agencies to have a physical site in a jurisdiction in order to be on the Local Board. Any agency providing services to a jurisdiction may be invited to participate on the Local Board and National Board member agencies serving a jurisdiction **must** be invited even if their primary physical location is in an adjoining jurisdiction.

**Local Board
Membership & Voting**

Agencies are represented on Local Boards and each agency is entitled to one vote. Each agency must name a representative to the Local Board although other individuals may also attend meetings. When voting, only the official representative (or designated alternate) may vote on behalf of the organization.

In jurisdictions where multiple organizations exist, the organization still only gets one vote and the agencies must work together and vote as one. For example, United Way of County - North and United Way of County - South are considered to be one organization - United Way. United Way gets one vote. Additionally, no United Way may vote on any United Way award. The same would be true for multiple units of The Salvation Army, Community Action Agency, local government, etc.

**Participation by
homeless, formerly
homeless, or
homeless advocate**

Legislation requires all Local Boards to include in their membership a homeless or formerly homeless person. Local Boards **must** seek recommendations from LROs for an appropriate representative.

Local Boards who are unable to secure a homeless or formerly

homeless representative **must** have a past recipient of food or shelter services or a homeless advocate on their Local Board. A homeless advocacy group may be invited to serve this roll only if none of those noted previously are unavailable to serve.

Native American participation

Legislation requires that if a jurisdiction is located within or encompasses a Federally recognized Native American reservation, the Local Board **must** invite a Native American representative to serve on the Board. In addition, legislation requires that if there is a Native American population in a jurisdiction, they must be invited to serve.

Local Board expansion

The designated members of the Local Board are encouraged to expand their membership by inviting participation from minority populations and other private nonprofit organizations and government organizations. In addition, all geographic areas within the jurisdiction should be represented. Local Boards may want to expand to broaden community input from other national nonprofit organizations (e.g., Community Action, Feeding America, Volunteers of America) as well as those providing emergency food and shelter services (e.g., food pantries, soup kitchens, domestic violence shelters). In designing the EFSP, Congress created a unique public-private partnership that brings the voluntary sector and the government together to address critical human needs in the areas of hunger and homelessness. When expanding, Local Boards should carefully cultivate this public-private partnership

Participation of special emphasis groups

In expanding, Local Boards **must** involve organizations that advocate for or provide services to the special emphasis groups identified in the legislation (e.g., elderly, families with children, veterans, and mentally and physically disabled).

Election of Chair

The members of the Local Board **must** elect a chair each award phase. The Local Board chair is not an honorary position. Local Boards may also designate staff and/or a contact person for their jurisdiction. Care **must** be taken to select individuals who are reliable, accessible and knowledgeable about the program.

Notification of changes in contacts/ addresses

Local Boards **must** notify the National Board in writing of changes in Local Board chair, staff contact, or LRO contacts, including complete addresses, phone number, fax numbers and valid email addresses. This information may be submitted via the EFSP web site www.efsp.unitedway.org. (Board and LRO changes should be updated as they occur throughout the phase.)

Local Board participation

Local Board membership is not honorary. If a member cannot regularly attend meetings, that member must be replaced by the member's designated agency. If a member must be absent from a meeting, the member's organization should designate an alternate.

Convening the Board

If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board.

In the event there is no local United Way, or the United Way does not convene the Board, a representative from one of the National Board organizations will convene the initial meeting of the Local Board.

Reconvening the Board

If a jurisdiction has previously received funds, the National Board will contact the Local Board chair or contact from the previous phase regarding funding. If the previous Local Board chair/contact fails to convene the Local Board for the new award, the process noted above will be followed.

If the previous phase's Local Board has failed to comply with National Board guidelines, the National Board will work to find another Local Board convener.

Local Board meetings

The National Board requires Local Boards to select one of the following options for meetings:

A. Quarterly meetings

We encourage Local Boards to meet quarterly to monitor the program and ensure LROs are implementing the program according to guidelines.

B. Semiannual meetings

Local Boards meeting twice a year must also monitor the program and ensure that LROs are implementing the program according to guidelines.

Local Boards electing to hold meetings semiannually must submit copies of their meeting minutes with the jurisdiction's final report. Failure to return this information may result in the delay of any future funding to the jurisdiction.

Meetings may be conducted via conference calls.

Quorum requirement A quorum of members must be present for meetings to be official and to take any action. (Quorum: According to Webster's New Collegiate Dictionary, the majority of officers or members of a body that when duly assembled is legally competent to transact business.) If there is more than one representative from an agency/organization present, only one vote is allowed for the agency/organization. Meeting minutes must be voted on and approved by the Local Board at the next meeting. Meeting minutes must also be available to the National Board, Federal authorities, and the public upon request.

Meeting minutes Meeting minutes must include but not limited to the following: names of members attending; members absent; notation of participation of homeless or formerly homeless member; the date, time and location of the meeting; approval of previous Local Board meeting minutes; agenda action items (decision making items, votes taken [i.e., election of chair, allocation of funds, reallocation]); date, time and location of next meeting; and meeting adjournment. Minutes should also include sufficient documentation of the Board's decisions.

Board Plan Deadline The National Board will provide Local Boards with a specific deadline for the submission of the board plan with award materials. (The board plan may be submitted via the "LB and LRO Information" section of the EFSP web site [www.efsp.unitedway.org] using the instructions provided.) The deadline is approximately 25 working days after award notification. **Local Boards not meeting the specified deadline risk the loss of these funds.**

Advertising Local Boards must publicly advertise in the print media and promote the program to give any agency capable of providing emergency food and shelter services an opportunity to apply for funds. **Advertising must take place prior to the Local Board's allocation of funds.** Failure to advertise properly will delay processing of the jurisdiction's board plan and subsequent payment of funds. Local Boards must allow **at least five business days after publication of the advertisement** for interested agencies to apply for funding. The Local Board should retain a copy of the public advertisement in their records. **It is important that the Local Board places the advertisement in the most widely available local print media forum for a jurisdiction since any agency providing or capable of providing emergency food and shelter services must have the opportunity to apply for funding.** Failure to advertise according to the National Board's requirements will result in a delay

in processing the Local Board plan.

See Annex 5 (page 63-64) for advertising requirements and a sample advertisement. See Annex 6 (page 65-66) for application elements.

Local Boards do not have to re-advertise fund availability for additional allocations within the same phase unless specifically required by the National Board.

***Disaster Recovery
Plan***

Local Boards should have a disaster recovery plan that ensures continuity of services under EFSP and records retention. Each Local Board is required to retain EFSP records for a period of three years. Records that should be retained include copies of decision-making minutes, Local Board Plans, Local Board and LRO Final Reports with documentation as appropriate, second payment request forms, reallocation forms, LRO funding applications, and administrative expense documentation (canceled checks and vendor invoices). Local Boards must also retain documentation regarding all compliance problems including those outside the retention period. Additionally, Local Boards should retain other pertinent information for their jurisdiction that provides background and history of their operations. Local Boards are encouraged to visit the U. S. Department of Homeland Security's website for business continuity at www.ready.gov/business/index.html.

Reference Item 5 (page 29) and Annex 2 (pages 53-54).

Selection of LROs

Any agency regardless of services offered or populations served must be given equal opportunity to apply for funding. All applicant agencies must meet the requirements on the LRO Certification Form in order to receive funds

Local Boards must have a written application process and consider all private voluntary and public agency applicants. In selecting an agency to receive funds, the Local Board must consider the demonstrated ability of that agency to provide food and/or shelter assistance. Local Boards must also consider needs, resources, and gaps in services in the selection of LROs. **Local Boards may not discriminate in the selection of LROs. Local Board members must strive to use consistent criteria, sound judgment, and fairness in their approach. Local Board membership must have no relationship to funding and is not a guarantee of funding. Local Board members must abstain from**

voting on award applications for their own agency.

The Local Board must select agencies that have the staff and capacity to take on the added responsibility of this program. Local Boards must select fully operational agencies to receive funds to supplement and expand eligible on-going services and must not fund agencies in anticipation of a needed service (i.e., fire victims, floods, tornadoes, etc.) nor for singular or special celebratory/holiday events. Local Boards should not select agencies for funding due to budget shortfalls or for cuts in other funding sources. Agencies must have a program in the category for which they are seeking funding. Local Boards need to look annually at the resources available in the community, the emergency food and shelter needs of the community, and focus the dollars to address these needs. Prior years' funding decisions must have no bearing on the selection of agencies. (If an agency has been previously funded it does not guarantee future funding.)

See Annex 6 (pages 65-66) for Standard Application Elements and a Sample Application.

Funding of LROs serving special emphasis groups

Any agency, including those on Native American reservations, is eligible to receive EFSP funding if they meet LRO requirements. Additionally, Local Boards must consider the needs of agencies serving the special emphasis groups (e.g., elderly, families with children, Native Americans, veterans, and mentally and physically disabled) in their selection of LROs.

The minimum grant per LRO is \$500, unless only receiving administrative funding. Only whole dollar amounts may be allocated. **Local Boards should be prepared to justify an allocation of one-third or more of their total allocation to a single LRO.**

Any LRO that will receive \$100,000 or more in EFSP funds is required to submit: 1) a certification that EFSP funds will not be used for lobbying activities and 2) a disclosure of lobbying activities (if applicable). LROs must submit these items prior to award payment. See Annex 11 (page 73) for Lobbying Certification Form.

The Local Board Chair or staff must secure and retain signed LRO certification forms from each LRO certifying that program guidelines have been read and understood, and that the LROs will comply with cost eligibility and reporting requirements. Refer to Annex 8 (page 69). If after reading the LRO Certification Form, the agency determines that

it cannot abide by the EFSP guidelines, they must notify the Local Board immediately and not incur any costs or charge any expenses against this grant.

Coordination of service

The Local Board **must** establish a system to ensure that no duplication of payment occurs within the expenditure categories of rent/mortgage assistance or utility assistance.

Client eligibility

The EFSP is a needs based program, for which clients must qualify.

Local Boards may determine client eligibility for EFSP or use established LRO eligibility. Any criteria used must provide for assistance to needy individuals without discrimination (age, race, sex, religion, national origin, disability, economic status or sexual orientation), sensitivity to the transition from temporary shelter to permanent homes and attention to the specialized needs of homeless individuals with mental and physical disabilities and illness and to facilitate access for homeless individuals to other sources of services and benefits. In providing assistance under the EFSP, verification of proof of citizenship or qualified alien status of any applicant for assistance is not required.

A separate needs test for assistance under EFSP may be developed and used by LROs, but must first be approved by the Local Board. The Local Board must inform LROs of eligibility criteria.

Notification of changes in LRO contacts/ addresses

Local Boards must notify the National Board in writing of changes in LRO contacts, including complete addresses, phone number, fax numbers and valid email addresses. This information may also be submitted via the EFSP web site: www.efsp.unitedway.org. (Changes for the EFSP data base should be updated throughout the phase as they occur.) When there is a change in the name of an LRO or a change with an LRO's FEIN number, the legal document supporting those changes must be forward to the National Board before those changes can be made.

Combining Local Boards

If a Local Board determines that they can better utilize their resources by merging with neighboring Local Boards, they may do so. The head of government or his/her designee for each jurisdiction must sit on the merged board, along with agency representatives from each jurisdiction. Voting and decision-making must be limited to only those Local Board members either providing services to the jurisdiction under consideration or representing the jurisdiction. The merged Local Board

must ensure that the award amount designated for each civil jurisdiction is used to provide assistance to individuals within that jurisdiction.

Technical assistance

Local Boards must read, understand and be familiar with guidelines and provide technical assistance to LROs. Local Boards are responsible for the training of all LROs and should ensure new LROs are trained before incurring expenses. The Local Board should be familiar with any personnel changes within an agency to ensure that new staff are trained. Questions that cannot be answered by Local Boards must be referred to the National Board staff. Any matter of interpretation must be referred to the National Board staff. When contacting the National Board, please reference your Local Board ID # and LRO #.

Appeals process

Local Boards **must** establish a written appeals process to address participation or funding and to hear and resolve appeals made by funded LROs or non-funded agencies. **Local Boards must handle appeals promptly.**

Local decision-making is an operating principle of this emergency effort. If the Local Board cannot handle an appeal locally, the case should be referred in writing to the National Board, including details on action that has been taken. Only when there is significant question of misapplication of guidelines, fraud or other abuse on the part of the Local Board will the National Board consider action. **Report cases involving fraud or other misuse of Federal funds to the U.S. Department of Homeland Security Office of Inspector General, Washington, DC 20528 in writing or by telephone at (800) 323-8603. For more details, see page 17.**

Local resource coordination

The chair of the Local Board or his/her designated staff will be the central coordination point of contact between the National Board and the LROs selected to receive EFSP funds. Additionally, the Local Board, if requested by the National Board, should nominate an appropriate feeding organization to receive surplus food from U. S. Department of Defense commissaries.

Monitoring of LROs

Local Boards are responsible for monitoring LROs throughout the phase in their use of EFSP funds. Each Local Board must establish a process for monitoring LROs including ensuring that LROs have read and understand the manual. Local Boards must review required reports and documentation for completeness, and compliance with program guidelines.

Local Boards must ensure that LROs expending \$500,000 or more in Federal funds, comply with the Office of Management and Budget Circular A-133 Item 7 (page 30).

Local Boards **cannot** change National Board cost eligibility, approve expenditures outside of the National Board's guidelines, or approve changes in documentation requirements without National Board permission.

As part of LRO monitoring, Local Boards must investigate complaints made by individuals seeking services under this program. At times, the National Board may request Local Board assistance in investigating client complaints. Local Boards must investigate and report to the National Board, if required.

Interim report

The interim report of expenditures is due to the National Board as part of each LRO's second payment request. The deadline for LROs to submit the interim report/second payment request form to their Local Board is July 31, 2010. Local Boards must submit the interim report/second payment request to the National Board by August 15, 2010. This form will be sent to each LRO along with the first payment notice or check to a new LRO. This form may also be accessed from the "LB and LRO Information" section of the EFSP web site (www.efsp.unitedway.org) after the first payment has been made.

Final report

Local Boards must submit a final report (accompanied by financial documentation for specified LROs) approximately within 45 days after the end of the jurisdiction's spending period. The National Board will provide forms and instructions for all required reports. Local Boards may request other reports from LROs (e.g., monthly or quarterly updates).

Reallocation of funds

The Local Board must reallocate funds during the spending period whenever it determines that the original allocation plan does not reflect the actual need for services or if an LRO cannot effectively utilize the full award. Local Boards must reallocate funds if an LRO makes ineligible expenditures or uses funds for items that have clearly not been approved by the Local Board. Local Boards must also reallocate funds as a result of gross negligence, inadequate use of funds, failure to use funds for purposes intended and any other violation of National Board guidelines or the Local Board plan. LROs must comply with Local Boards' reallocation decisions.

Local Boards must reallocate funds held for LROs with unresolved compliance exceptions by August 31, 2010 or the National Board may reclaim the funds. **If an LRO has not previously been funded in the current phase, it may not be funded after May 31, 2010.**

The Local Board may approve the reallocation of funds between LROs and must inform the National Board in writing (on the appropriate forms). The Local Board may also return funds to the National Board for issuance to another LRO or request reallocation of funds held by the National Board (e.g., second payments). All reallocation of funds should be completed by August 15, 2010. See Annex 10 (page 72) for the reallocation form.

Reallocation to new agencies

If the Local Board wishes to reallocate funds to an agency that was not approved on the original board plan, the Local Board must make a written request for approval to the National Board. The National Board must approve an agency prior to receipt of funds. **If an LRO has not previously been funded in the current phase, it may not be funded after May 31, 2010.**

Local Boards may not reallocate funds to any LRO with a known compliance problem from any phase of funding.

Local Boards may reallocate funds from one service to another (e.g., from food to shelter) without National Board approval if the transfer is within an individual LRO.

Reporting fraud, theft and criminal activity

Should anyone have reason to suspect that EFSP funds are being used for purposes contrary to the law and guidelines governing this program, the National Board staff must be notified immediately. A detailed follow-up letter of actions taken should be forwarded as soon as possible to Emergency Food & Shelter Program, 701 N. Fairfax Street, Suite 310, Alexandria, VA, 22314. When reports have been made to the OIG office, the case number they provide must be included with all correspondence to the National Board.

The National Board requires that the OIG be contacted immediately when fraud, theft, or other criminal activity is suspected in connection with the use of EFSP funds, or the operation of a facility receiving EFSP funds. This notification can be made by calling the OIG at (800) 323-8603, or in writing to: DHS/Office of Inspector General, Attention Hotline, Office of Investigation, 245 Murray Drive, SW, Building 410 Stop 2600, Washington, DC, 20528. Email: dhs.oighotline@dhs.gov.

Persons contacting the OIG should include as much information as possible to support the allegation and preferably furnish his/her name and telephone number so that the Special Agents assigned to that office may follow-up. Federal Law protects the confidentiality of any communication made with the OIG.

A person wishing to remain totally anonymous should make a follow-up phone call to the OIG within 30 days from the date of the original contact so that any follow-up questions may be asked. Follow-up calls should be made to (800) 323-8603 during normal business hours, Eastern Standard Time (charges may be reversed). The caller should advise that he/she is making a follow-up call regarding a prior anonymous complaint.

The OIG will appropriately notify both local law enforcement authorities and the National Board concerning the substance of the allegations and the results of the investigation. The person reporting the allegation should also contact local law enforcement authorities.

End-of-program

After close of program, Local Boards **must** review the accuracy of **all** LRO reports and documentation (page 50-51 Required Documentation). The Local Board then sends reports for all LROs and documentation for specified LROs to the National Board as requested by the due date indicated on the final reports. In the event expenditures violate the eligible costs under this program, the Local Board must require reimbursement from the LROs to the National Board.

Record retention

Local Boards must remain in operation until all program and compliance requirements of the National Board have been satisfied. Local Boards (and LROs) must retain their records related to the program for three years from the end-of-program date. Local Boards must also retain documentation regarding all compliance problems until the problem is resolved. See Annex 2 (page 53).

Spending period extension

Each jurisdiction will be granted the option to extend its spending period by one, two or three months. This extension applies to the entire jurisdiction. Should the jurisdiction receive a grant in the next phase, that phase's spending period will begin the day after the chosen end date. If a Local Board does not request an extension, the spending period will end September 30, 2010. The other options for the spending period to end are October 31, 2010; November 30, 2010; or December 31, 2010. **The spending period must be selected at the beginning of the**

phase when submitting the Local Board Plan. The spending period is then noted on each Local Board and LRO payment letter.

Waivers and changes

Local Boards may receive requests from applicant agencies or for changes in the plans they approved for LROs. Local Boards may fund such requests or may allow such changes if the requested items are eligible costs under this program. Requests that do not adhere to the approved cost eligibility section of this manual may not be approved by the Local Board. If there is any doubt on the part of the Local Board as to cost eligibility, contact the National Board staff for clarification.

The National Board will consider requests submitted **in writing** for waivers to the approved cost eligibility that meets the intent of the EFSP. The request for any waivers from the Local Board must be made **before** any LRO makes the expenditure and must clearly state the need for the waiver, approximate costs, timelines, or any other pertinent information necessary for the National Board to make their decision.

Local Boards may also receive requests from LROs for waivers of the agency responsibility or documentation requirements outlined in this manual. Local Boards **may not approve** such requests or alter the program or documentation requirements in any way. LROs are required to comply with all agency responsibility and documentation requirements as stated in this manual and agencies that cannot comply with the requirements should not be selected for funding by the Local Board, including those agencies funded through a fiscal agent or fiscal conduit. In rare circumstances, the National Board will hear waivers from Local Boards on behalf of LROs who have not complied with agency responsibility and documentation requirements.

The National Board will only accept waivers for consideration from Local Boards in support of an agency's request. Waivers will not be accepted from individual agencies.

The National Board does not consider waivers for cash payments or EFT enrollment.

Local Boards may not grant waivers to the National Board's guidelines including cost eligibility.

Local Boards may not change the National Board's documentation requirements. Only the National Board may grant waivers.

**Administrative
allowance**

The Local Board may elect to use, for its own administrative cost, all or any portion of the 2% allowance. Like all EFSP expenditures, the administrative expenses must be documented with appropriate costs for the administration of the EFSP.

The Local Board may elect to apply the administrative allowance toward advertising expense if necessary. Any of the administrative allowance not spent must be put back into program funds for additional services.