

LEGISLATIVE DIGEST

[Administrative Code - Exempting California State University Fresno Foundation from Nonprofit Public Access Ordinance]

Ordinance exempting California State University Fresno Foundation from the Nonprofit Public Access Ordinance, Administrative Code Chapter 12L, to facilitate the Human Services Agency's entering into a contract with the Foundation for training services required by state law for child welfare staff and supervisors and foster parents.

Existing Law

Chapter 12L of the City's Administrative Code requires nonprofit organizations that contract with the City to provide goods or services in the amount of \$250,000 or more per year in City-administered funds to comply with several obligations relating to public access to the organization's records and Board of Directors meetings.

California Education Code Sections 89913-89928 requires the California State University Fresno Foundation, an auxiliary nonprofit organization, to comply with several provisions that establish several similar public access to meetings and records requirements.

Effect of Ordinance

This ordinance would exempt the California State University Fresno Foundation ("Foundation") from the Nonprofit Public Access Ordinance, Administrative Code Chapter 12L, for this contract between the City's Human Services Agency and the Foundation, to have its affiliate, the Bay Area Training Academy, conduct trainings which are required by the State to child welfare staff and supervisors, service providers, foster parents, and relative caregivers.

Background Information

The City's Human Services Agency ("HSA"), receives Title IV-E Child Welfare Program funds from the United States Department of Health and Human Services ("DHHS"), allocated by the California Department of Social Services ("DSS") to help administer its county child welfare program. California law requires that new child welfare employees and foster parents receive statewide, standardized training. The DSS requires counties to use one of four approved Training Academies in California for these types of trainings. The Bay Area Academy is the only one of the four approved Training Academies that serves the Bay Area region, including San Francisco.

The Bay Area Academy is affiliated with California State University, Fresno ("University") under the umbrella of the Central California Training Academy. The Foundation is a 501(c)(3) nonprofit public benefit auxiliary corporation, operating under California Education Code Sections 89900 et seq., to among other things, promote or assist the University and receive

gifts, property, and funds to be used for the benefit of the University. This authority includes entering into contracts for the benefit of the University. Thus, to fulfill the requirement to provide foster care training to its child welfare staff, service providers, foster parents, and relative caregivers, HSA must do so through the Bay Area Academy, which in turn means that HSA must enter into a professional services agreement with the Foundation. The City has no other option.

The Foundation is obligated to abide by Education Code requirements governing public access to meetings and records similar to those in the California Public Records Act. The Foundation conducts its business in an open forum with several avenues for public involvement and access to information.

HSA has obtained a sole source waiver, Civil Service Commission approval, and Human Services Commission approval for this contract.

nAlegana as2015.1500811\01015976 doc