



## **Policies and Procedures**

### **First 5 Inyo County**

Bylaws	page 2
Contracting and Procurement Policy	page 7
Cost Allocation Policy	page 9
Conflict of Interest Policy	page 12
Salaries and Benefits Policy	page 14
Non-Supplantation Policy	page 15

*This Policy and Procedure Manual may be amended at any regularly noticed Commission meeting.*

**Revised: June 25, 2020**

*This document supersedes all previous adoptions of Commission policies and procedures.*

## **Commission Bylaws**

### **Article I: Name**

Inyo County Children and Families Commission

### **Article II: Authority**

The Commission was created by the Inyo County Board of Supervisors pursuant to California Health and Safety Code Section 120110 et seq. ("Children and Families First Act of 1998"; hereafter "the Act".) The Inyo County Children and Families Commission is an agency of the county with independent authority over the strategic plan described in Health and Safety Code Section and the Inyo County Children and Family Trust Fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Health & Safety Code Section 130105.

### **Article III: Mission Statement**

Recognizing that current research in brain development of young children indicated that the emotional, physical and intellectual environment in which a child grows up is critical to that child's development, the Inyo County Children and Families Commission is committed to building communities that support and insure healthy children, strong families and children learning and ready for school.

### **Article IV: Duties and Responsibilities**

Under the general direction and approval of the Board of Supervisors the Inyo County Children and Families Commission shall:

1. Adopt an adequate and complete county strategic plan for the support and improvement of early childhood development with the county, consistent with the requirements of the Act and any state regulations or guidelines hereinafter enacted to implement the Act. The Commission shall conduct at least one public hearing on its proposed strategic plan before the plan is adopted.
2. Conduct at least one public hearing on its periodic review of the county strategic plan to measure outcomes of its funded programs through the use of reliable indicators before any necessary revisions to the plan are adopted.
3. Submit it's adopted county strategic plan and any subsequent revisions thereto, to the First 5 California Children and Families Commission and the Board of Supervisors.
4. Prepare and adopt an annual audit and report pursuant to Section 130150 of the Health and Safety Code Section 130150. The commission shall conduct at least one public hearing prior to adopting any annual audit report.
5. Conduct at least one public hearing on each annual report by the State Children and Families Commission prepared pursuant to Health and Safety Code Section 130150. The

commission shall conduct at least one public hearing prior to adopting any annual audit report.

6. Make copies of its annual audits and reports available to members of the general public on request and at no cost.
7. Administer the moneys in the Children and Families Trust Fund, consistent with the requirements of the Act and its adopted strategic plan.
8. Prepare and adopt an annual budget for the administration and implementation of the Commission's Strategic Plan.
9. Apply for gifts, grants, donations, or contributions of money, property, facilities, or services from any person, corporation, foundation, or other public or private entity, in furtherance of a program of early childhood development.
10. Enter into such contracts as necessary or appropriated to carry out the provisions and purposes of this act.
11. To exercise all powers, duties, and functions as are prescribed by statute, the Board of Supervisors, and the Commission.

**Article V: Membership**

1. The Commission shall consist of 7 members. Composition of the commission shall be as follows:
  - a. One member and one alternate shall be a member of the Board of Supervisors. The alternate member shall be entitled to vote in the absence of the Board of Supervisor member.
  - b. One member shall be the Health and Human Services Director or his/her designee.
  - c. One member shall be designee, as defined in Health & Safety Code Section 130140, of the Health and Human Services Director.
  - d. Four members who represent any of the following categories and one alternate member from these categories: recipients of project services included in the county strategic plan, educators specializing in early childhood development; representatives of a local childcare resource or referral agency, or a local child care coordination group; representative of a local organization for prevention or early intervention for families at risk; representatives of community-based organizations that have a goal of promoting, nurturing and early childhood development; representatives of local school districts; and representatives of local medical, pediatric or obstetric association of societies. The alternate member shall be entitled to vote in the absence of the primary member.
2. Commission members shall be appointed by the Board of Supervisors. Commission members shall serve at the pleasure of the Board of Supervisors. The term of office of each member shall be for three years, and until the appointment of his/her successor.
3. Terms of office of the commission members shall be staggered. At the First meeting of the Commission, those two members representing various categories provided for in Section 2.59.060 shall classify themselves by lot so that one member shall have a term of office for three years, and the other member shall have a term of office for two years.

4. Notice of vacancies shall be shared with the community and the position shall be appointed by the Board of Supervisors. Efforts should be made to ensure that the racial and cultural composition of the Commission is reflective of persons and families within the community.
5. A vacancy on the Commission shall occur automatically on the occurrence of any of the following events before the expiration of the term:
  - a. Removal of the incumbent for any reason.
  - b. Death or resignation of the incumbent.
  - c. Ceasing to be a representative from the various categories provided for in Section 2.50.060 of the Inyo County Code. Failing to attend 75% of the Commission meetings within each twelve (12) month period.
6. The Board of Supervisors may remove a Commission member.
7. The Board of Supervisors shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the Commission. The Board of Supervisors shall act within sixty (60) days to fill a vacancy.
8. The Commission may appoint “non-voting” members to the Commission at its discretion. Non-voting members do not vote on formal actions taken by the Commission. Non-voting members shall be appointed, reappointed and/or removed.

**Article VI: Officers and Duties**

1. The officers of the Commission shall be a Chairperson, elected annually to serve for a term of one year, a Vice Chairperson and such officers as the Commission may designate. Pursuant to section 2.50.110 of the Inyo county Code, the commission shall make such rules and regulations as are necessary to conduct its business.
2. All officers shall be elected by a majority of the voting members of the Commission at a regular meeting or special meeting where a quorum is present. This person must be a member of the Commission duly appointed by the Board of Supervisors. All officers shall hold office until their successors are duly elected. Officers may be re-elected to the same office or elected to a different office without restriction on the number of terms.
3. The Chairperson of the commission shall preside over all business and meetings of the commission. In the absence of the Chairperson, the Vice Chairperson shall conduct routine business matters and meetings.
4. The Health and Human Services Department Director, or his/her HHS designated commission member, shall serve as the liaison between the Commission and the Board of Supervisors and shall have the following duties:
  - a. The Commission Liaison shall certify the occurrence of any vacating event to the Board of Supervisors.
  - b. The Commission Liaison shall coordinate working operations between the Commission and necessary County offices regarding finances and operations, including appropriate oversight

and administration of any contractual agreements for services as recommended by the Commission to the Board of Supervisors.

- c. The Commission Liaison shall ensure the review of the Ordinance for continued appropriateness by the end of the first quarter of operation.

**Article VII: Committees**

1. The Commission shall establish one or more advisory committees to provide technical and professional expertise and support for purposes beneficial to accomplishing this Act.
2. Advisory committee members shall be paid reasonable per diem and reimbursement of reasonable expenses for attending meetings and discharging other official responsibilities inside and outside the County as authorized by the Commission, at the standard County rate.
3. To the extent feasible, the Commission shall utilize existing commissions, committees, and councils as technical advisory groups for purposes of strategic planning and program development.
4. Advisory Committees shall meet at the request of the Commission.

**Article VIII: Meetings**

1. The Commission shall meet as often as necessary to conduct business. The date, time, and place of meetings shall be established by majority vote of the Commission. The Commission's meetings are subject to the open meeting laws contained in the Ralph M. Brown Act.
2. A quorum shall be required for Commission actions. A quorum shall consist of a majority of the appointed members.
3. Approval of expenditure recommendations in excess of \$50,000, final adoption of the county strategic plan, and the election or removal of officers requires an affirmative vote of a majority of the members of the Commission.
4. Records shall be kept of all Commission actions as part of the Commission meeting minutes.

**Article IX: Commission Work**

The Commission shall retain authority to direct staff and assign duties as deemed necessary to conduct business.

**Article X: Compensation**

The members of the Commission shall serve without compensation, but may receive actual and necessary expenses as are incurred in carrying out their duties. This includes, but is not limited to, compensation for childcare for attendance of Commission meetings since our commission supports the importance of both quality child care services, and ensuring that parents from all walks of life are able to serve on our commission.

**Article XI: Conflict of Interest**

Commission members will declare to the Commission when they perceive a potential conflict of interest may be present, including but not limited to, situations involving financial interests of a member or a member's spouse, or with any agency or individual being considered for funding.

If any Commission member has a direct, indirect, or perceived conflict of interest with any decision being made by the Commission, the Commissioner shall declare the conflict and abstain from making, participating in making, or in any way attempting to use his or her official position to influence any decision by the Commission on any grant or contract. Such declaration of conflict and abstention shall be noted in the minutes.

Direct or indirect conflict of interest shall include, but not be limited to, the financial interests of a member or the member's spouse in any potential recipient (agency or individual) which is being considered for any grant or contract approved by the Commission.

All Commission members (voting and non-voting) shall abide by the Conflict of Interest Policies governing conflict of interest adopted by the Inyo County First Five Commission and applicable state law.

**Article XII: Amendment of Bylaws**

These Bylaws may be amended, with the exception of the rules of membership pursuant to section 2.50.060 of the county code, only by action of the Commission at any meeting of the commission. Notice of such proposed amendment shall be given in the manner prescribed for notices of regular meetings of the Commission.

## **Contracting and Procurement Policy**

### **Section 1: Purpose**

Section 130140 (d) 4 (B) of the California Health and Safety Code requires county First 5 Programs to adopt, in a public hearing, policies, consistent with State law, regarding contracting and procurement policies.

### **Section 2: Authority**

- Article 7 of Chapter 5 of Division 2 of Title 5 of the Government Code (commencing with Section 54201), concerning policies and procedures governing purchases of supplies and equipment by local agencies;
- Public Contracts Code Section 3410, concerning preference for United States-grown and processed food;
- Public Contract Code Section 9201, concerning authority to compromise or settle any claim relating to a contract;
- Public Contract Code Sections 22150-22154 concerning preference for recycled products.

### **Section 3: Policy and Process for Compliance**

The Inyo County Children and Families Commission (First 5 Inyo County) is an agency of the County and is part of the Health and Human Services Department. Because First 5 Inyo County is part of a county agency, the Commission members (voting and non-voting) and staff abide by standards and regulations governing contracting and procurement adopted by the Inyo County Board of Supervisors as well as State laws.

All grants and contracts must be consistent with the First 5 Inyo County Strategic Plan. They must support either the operation of the Commission, or they must directly support the goals and objectives outlined in the Strategic Plan.

### **Procurement Standards for Supplies and Equipment**

First 5 Inyo County will adhere to the guidelines of the Inyo County Purchasing and Contracting Policy, which identifies the process and guidelines for purchasing supplies and equipment.

### **Procurement Standards for Grants and Commission Programs**

Grant awards are a specific category of procurement with specific standards and policies.

The Commission shall, as a general operating procedure, disburse grant awards through the county's defined process for the procurement of services, as defined in Section F of the Inyo County Purchasing and Contracting Policy and Procedures Manual. Additionally, grant awards from the Commission shall be subject to the following additional rules:

- Proposals shall be reviewed and scored by the First 5 Director, one First 5 Commissioner, and one HHS fiscal representative. Recommendations based on the scoring process will be presented to the Commission for approval.
- Monies authorized under these awards must further the priorities and goals of the Commission as set forth in its Strategic Plan.



## **Cost Allocation Policy**

### **Section 1: Purpose**

In conformance with California Statutes, Chapter 284 (A.B. 109) (2005), the California Health and Safety Code Section 130140(d)(5) and the Financial Management Guidelines (Chapter 6) adopted by First 5 California, County First 5 Commissions are required to adopt, in a public hearing, a limit on the percentage of the county commission's operating budget that may be spent on administrative functions, pursuant to guidelines issued by the State Commission.

This policy is adopted in support of First 5 Inyo County's Strategic Plan. As illustrated by the Strategic Plan, First 5 Inyo County is committed to developing and promoting efficient administrative practices for itself and grantees so that policies, processes, and procedures *enhance* administrative quality and so that resources are maximized to benefit young children and their families.

### **Section 2: Authority**

Health and Safety Code Sections 130140(d)(5); 130151(b)(2); 130151(b)(6)  
California Statutes, Chapter 284 (A.B. 109) (2005)

### **Section 3: Policy and Process for Compliance**

1. Expenditures are classified as either administrative, program or evaluation.
  - a. "Administrative Costs" are those incurred in support of the general management and administration of the Commission for a common or joint purpose that benefits more than one cost objective (other than evaluation activities), and/or those costs not readily assignable to a specifically benefited cost objective.
  - b. "Program Costs" are those incurred by the Commission that are readily assignable to a program or service provider (other than for evaluation activities) and/or in the execution of direct service provision.
  - c. "Evaluation Costs" are those incurred by the Commission in the evaluation of funded programs based upon the Commission's Evaluation Plan, including data collection and evaluation for required reporting to state and local stakeholders.

(Source: First 5 Financial Management Guide, Section 6.2)

2. All grants and special projects are classified as Program Expense.
3. All assessment and evaluation activities are classified as Evaluation Expense.
4. Salaries, benefits, services and supplies are expenses that are distributed between all three expenditure categories.
  - a. These expenses are allocated to each category based on staff salary and benefit costs.
  - b. The allocation to each category will be determined and verified through staff- time studies conducted twice per year for one month at a time.

<b>Figure 1: Sample Cost Category Delineation</b>		
<b>Administrative Costs *</b>	<b>Program Costs</b>	<b>Evaluation Costs</b>
General accounting/Financial reporting	Direct services	Evaluation* *
Local annual reporting activities (meetings, events, hearings associated with communication of annual report – not preparation of annual report)	Program outreach and education	Evaluation technical assistance
Financial planning	Program planning	Evaluation database
Commission/Association meetings/travel	Program Grants and contracts	
Payroll/Benefits	Program/Provider technical assistance and support (Quality Assurance)	
Human resources services	Program database management	
Legal services/consulting		
Contract compliance (contracts other than program or evaluation: vendors/procurement such as bookkeeper, auditor, insurance, etc.)		
Audit		
Strategic planning		
Procurement		
Rent		
Maintenance		
Utilities		
Insurance		
Cleaning/Janitorial		

*\* These costs are typically administrative, but some may be allocated as appropriate to Program or Evaluation. For example, occupancy, utilities and indirect costs associated with the office space or salary of a program or evaluation staff person could be allocated to program or evaluation as appropriate.*

*\*\*Includes conduct of focus groups and case studies, state evaluation report production, and presentation.*

**Section 4: Administrative Cost Limit:**

Administrative Costs shall not exceed twenty percent (25%) of the annual operating budget for the Commission.

The Administrative Cost Limit may be adjusted at the discretion of the Commission for special costs (e.g. State initiative planning, capital asset purchases, etc.) within the annual budget process. Allocation is determined and supported by staff time studies.

**Section 5: Communicating Financial Condition:**

The Executive Director, with the support of the HHS Fiscal Manager, will present a report to the Commission, at minimum, once a year in or around November, that will identify cost allocation and ensure compliance with the policy. The Director will report information including revenues, expenses, and budget to actual to the Commission.

Should the administrative cost limit exceed 25%, staff will report to the Commission, in a public hearing, on all unanticipated expenses. The Commission will review areas of over-expenditure and will either approve these expenditures or will provide staff direction to bring the costs back down to 25% or less of annual operating budget.

Annually, the Commission shall have a financial audit of its accounts and transactions conducted. The results of the audit shall be communicated to the public and to the State of California First 5 Commission.

In addition, Commission will review, on an annual basis, the validity of the adopted definition of administrative costs and the administrative cost limit set forth in the policy.

## **Conflict of Interest Policy**

### **Section 1: Purpose**

Paragraph (4) of subdivision (d) of Section 130140 of the California Health and Safety Code requires county First 5 Programs to adopt, in a public hearing, policies, consistent with State law, to prohibit conflicts of interest. Inyo County First 5 therefore seeks to adopt this Conflict of Interest Policy (“the Policy”) to ensure full compliance with section 130140(d)(4).

### **Section 2: Authority**

The Conflict of Interest Provisions of the Political Reform Act of 1974 (Chapter 7 of Title 9 of Government Code (commencing with Section 87100); Article 4 of Chapter 1 of Division 4 of Title 1 of the Government Code (commencing with Section 1090), concerning contractual conflicts of interest; Article 4.7 of Chapter 1 of Division 4 of Title 1 of Government Code (commencing with Section 1125), concerning incompatible activities of public officers and employees provide Inyo County First 5 with the authority to enter in to the Policy and guidance on the contents of this Policy.

### **Section 3: Policy and Process for Compliance**

The Inyo County Children and Families Commission (First 5 Inyo County) is an agency of the County and is part of the Health and Human Services Department. Because First 5 Inyo County is part of a county agency, the Commission members (voting and non-voting) must abide by laws and regulations governing conflicts of interest adopted by the Inyo County Board of Supervisors as well as the State of California.

### **Statement of Economic Interest**

First 5 Inyo County Commissioners are required to submit a Statement of Economic Interests (Form 700) with the Inyo County Clerk within thirty (30) days after being appointed as a Commissioner. Commissioners shall receive the form from the Inyo County Clerk and shall disclose information about investments, business positions, and interests in real property held and income received anytime during the twelve (12) months before the date of assuming the role of Commissioner. Thereafter, each Commissioner shall file the statement of financial interests annually on or before April 1 and when leaving office either upon resignation or term expiration. In addition, the Inyo County First 5 Director will submit a Statement of Economic Interests on an annual basis.

### **Disclosure & Recusal**

Commissioners may face four different types of conflicts of interest: direct interests, indirect interests, remote interests, and non-interests. These four types of interests are described below. These descriptions are intended to be exemplary only, and if a

Commissioner is uncertain as to which category his or her interest falls in to, (s)he should consult with the Inyo County Counsel for additional guidance.

- **Direct Interests** – Arise when the Inyo County First 5 Commission seeks to contract with any entity in which a Commissioner has a financial interest
- **Indirect Interests** – Arises when the Inyo County First 5 Commission seeks to contract with an entity that may allow a Commissioner to obtain actual or potential pecuniary benefits
- **Remote Interests** – See Government Code section 1091
- **Non-interests** – See Government Code section 1091.5

After identifying the type of interest at issue, the Commissioner must take the following action:

- **If it is a direct interest** – The interested Commissioner must state the conflict on the record, leave the room, and abstain from voting on the contract. First 5 may then proceed with voting on the contract. The non-interested commission members must affirm on the record that their decision was not influenced in any way by the interested commission member. If the non-interested commission members cannot so affirm, they too must leave the room and abstain from voting on the contract.
- **If it is an indirect interest** – The interested Commissioner must state the conflict on the record, leave the room, and abstain from voting on the contract. First 5 may then proceed with voting on the contract. The non-interested commission members must affirm on the record that their decision was not influenced in any way by the interested commission member. If the non-interested commission members cannot so affirm, they too must leave the room and abstain from voting on the contract.
- **If it is a remote interest** – Remote interests are varied and require a case-by-case analysis. If the remote interest has the potential to create a financial benefit, as the term is used in Government Code section 1091.3, for the interested Commissioner, then the Commission must proceed as it would for a direct or indirect interest. If the remote interest does not have the potential to create a financial benefit for the interested Commissioner, then the Commission may proceed as it would for a non-interest.
- **If it is a non-interest** – No conflict issue exist. The Commission may proceed without any abstention or recusals.

## **Salaries and Benefits Policy**

### **Section 1: Purpose**

The Inyo County Children and Families Commission (“First 5 Inyo County”) must adopt, in a public hearing, policies and procedures for establishing salaries and benefits of any employees. These salaries and benefits must comply with established Inyo County government policies pursuant to California Health and Safety Code Sections 130140 (d)(6) and 130151 (b) (8).

### **Section 2: Policy and Process for Compliance**

First 5 Inyo County is an agency of the County and is housed within the Health and Human Services Department. Because First 5 Inyo County is a county agency, the Commission complies with all policies and procedures that are established within the Inyo County Human Resources Department. This includes policies and procedures for establishing salaries and benefits.

To date, the Commission does not directly employ staff. Should First 5 Inyo County employ persons in the future, this policy will be amended.

The First 5 Inyo County Salaries and Benefits Policy will be reviewed every other year to ensure it is current.

## NON-SUPPLANTATION POLICY

### PURPOSE:

The purpose of the policy is to assure compliance with Proposition 10, adopted by the voters of California in 1998. Revenue and Taxation Code Section 30131.4 provides, in part, that Proposition 10 funds shall be used only to supplement existing levels of service and not to fund existing levels of service. It further provides that no money in the Commission's trust fund shall be used to supplant State or local general fund money for any purpose. The prohibition on supplantation was intended to prevent State and local governments from shifting fiscal responsibility for ongoing public programs to the State and local commissions.

This Policy represents the Commission's interpretation of anti-supplantation language in the Children and Families Act, and sets forth the criteria that must be met in order to comply with that requirement. Compliance with the terms of this policy does NOT guarantee funding.

### POLICY:

#### I. Existing Levels of Service:

Commission funds shall be used only to supplement existing levels of service and not to fund existing levels of service. This requirement applies regardless of the source of income that funded the service (i.e. State/Local General funds, State categorical, Federal, or Grant funds).

#### II. Supplantation of State and Local General Funds:

No Commission funds shall be used to replace State or local general fund money for any purpose. This prohibition does not apply where a minimum of five (5) years has elapsed since the General Fund allocation has been reduced or eliminated.

#### III. Supplantation of State Categorical, Federal or Grant Funds:

The prohibition on supplantation does not make reference to State categorical, privately funded or federally funded programs. Therefore, Proposition 10 funds may be used to replace lost State categorical, Federal, or Grant funds subject to the following:

- **Replacement of funds shifted to a program/service serving the Proposition 10 target population:**

For the purpose of this policy, the definition of supplantation shall not include the replacement of State categorical, private or federal funds if the loss of revenue is due to funds being shifted to another program to provide increased levels of service to the Proposition 10 target population (i.e. children age 0 to 5 and their families) which are consistent with the Commission's funding priorities.

Therefore those funds may be replaced by Proposition 10 funds without regard to the amount of time that has elapsed between the loss of revenue and the allocation of Proposition 10 funds.

- **Replacement of all other State categorical, Federal, or Grant funds, including those shifted to a program/service NOT serving the Proposition 10 target population:**

Proposition 10 funds may be used to replace these funds if the contractor is unable to provide existing levels of service without such funds, and all of the following conditions are met:

- 1) Services to be provided are consistent with the Commission's current funding priorities
- 2) The Commission has made a factual finding that the loss of such funding would result in a substantial reduction in service levels; and
3. A minimum period of one (1) year shall have elapsed between the loss of funding (and any corresponding service reduction) and the allocation of Proposition 10 funds to replace the lost revenue with the exception of the following:
  - a. A minimum period of one (1) business day shall apply to the loss of funds in an existing Commission funded program providing all of the following conditions are met:
    1. The contractor is in compliance with all terms of the existing contract; and
    2. The loss of funding would result in the elimination or significant reduction in a level of service which is considered critical to the success of the Commission funded program/project; and
    3. Either:
      - a) The loss of funds is due to the expiration of grant funding that cannot be extended or renewed, and the loss is not the result of a change in the funder's funding philosophy; or
      - b) The loss of revenue to a funded program is due to the elimination of a State or Federal funding source over which local government has no control.



## **DEFINITIONS:**

State general funds - funds that are received into the Treasury of the State and not required by law to be credited to any other fund.

Local government general funds - funds that are received into the treasury of the local government and not appropriated to any other fund.

Level of service - includes both the quality and quantity of services.

Supplant - "to take the place of."

## **POLICY IMPLEMENTATION:**

1. Every proposer/applicant must disclose in its proposal/application whether the program has received funding from other sources (whether local or State government, private, or Federal) within the past three years, and as to any public funding, identify the law or program under which funding was received.
2. The Commission may require the applicant to provide any additional information regarding sources and uses of funds at any time. Based upon all existing facts and circumstances, the Commission shall determine whether the proposal would violate this policy. For multi-year contracts or commitments, the Commission reserves the right to re-examine its determination that its funds will not be used in violation of this policy.
3. The Contractor shall execute a certification that it has complied with the anti-supplantation requirement stated in Section 30131.4 of the California Tax & Revenue Code. Such certification shall be executed prior to the release of Proposition 10 funds and the Contractor shall annually execute such certification as part of the fiscal audit requirement. If the Commission determines that supplantation has occurred, the Contractor shall be required to reimburse the Commission for all Proposition 10 funds that were used in violation of this Section. Use of Proposition 10 funds in violation of this Section shall be grounds for termination of the contract (see Attachment #1).

# Attachment #1



## FIRST 5 INYO COUNTY ANNUAL NON-SUPPLANTATION CERTIFICATION

**STRATEGIC GRANT NUMBER:** \_\_\_\_\_

**CONTRACTOR'S NAME:** \_\_\_\_\_

### CERTIFICATION

CONTRACTOR hereby certifies that:

- (a) Any and all funds received from the First Five Inyo County Commission will be used exclusively to develop new projects, expand existing programs and/or services or to enhance existing programs and services for children who are 0-5 years of age.
- (b) CONTRACTOR has not, and will not in the future, utilize such funds to supplant State or local General Fund money for any purpose.
- (c) To the extent that CONTRACTOR utilizes funds received from the First Five Inyo County Commission to replace State or Federal categorical funds, CONTRACTOR can demonstrate, upon request by the Commission, that such State or Federal categorical funds have been used to increase the level of services provided to children 0-5 years of age.
- (d) Any funds received by CONTRACTOR under its agreement with the Commission for prior years have been used consistent with subsections (a)-(c) of this Certification.

**NOTE:** Failure to comply with the anti-supplantation requirements stated in this Certification, the Agreement with the Commission and/or Revenue and Taxation Code Section 30131.4 shall constitute breach of any agreement with COMMISSION which shall result in termination of such agreement. If the COMMISSION determines that supplantation has occurred, CONTRACTOR shall also be required in accordance with the terms of the Agreement with the COMMISSION to reimburse the COMMISSION for all funds that were used in violation of this Certification, the Agreement with the Commission and/or Revenue and Taxation Code Section 30131.4.

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name