

AGENDA

MEETING OF THE BOARD OF COMMISSIONERS

Chair: Sheila Kuehl

Thursday, September 30, 2021

3:30 PM Click [HERE](#) for Public Zoom, YouTube and Dial-in Info

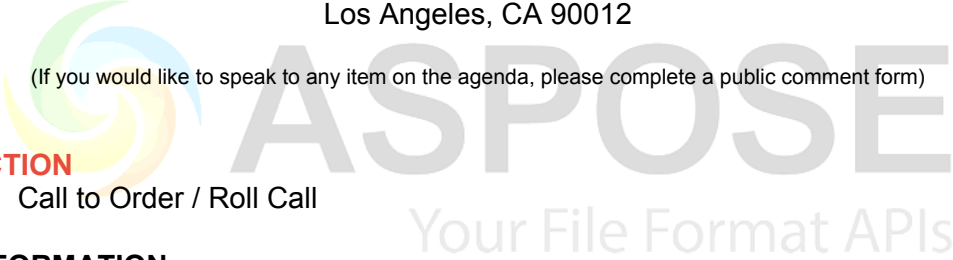
Meeting Location:

First 5 LA

750 N. Alameda Street

Los Angeles, CA 90012

(If you would like to speak to any item on the agenda, please complete a public comment form)

- 
1. **ACTION**
Call to Order / Roll Call
 2. **INFORMATION** 2
Review Meeting Minutes from Executive Committee on May 17, 2021
 3. **INFORMATION** 6
2022 First 5 LA Calendar
 4. **INFORMATION** 13
Legal Services Contract Update
 5. **INFORMATION**
Public Comment (for items not on the agenda)
 6. **ACTION**
Adjournment

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COMMISSIONERS

Los Angeles County Supervisor	Jane Boeckmann	Yvette Martinez
Sheila Kuehl	Bobby Cagle	Romalis J. Taylor
<i>Chair</i>	Barbara Ferrer, Ph.D., M.P.H., M.Ed.	Keesha Woods
Judy Abdo		Marlene Zepeda, Ph.D.
<i>Vice Chair</i>		

EX OFFICIO MEMBERS

Karla Pleitez Howell
Jonathan E. Sherin, M.D., Ph.D.
Wendy Smith, Ph.D., LCSW
Deanne Tilton

EXECUTIVE DIRECTOR

Kim Belshé

EXECUTIVE VICE PRESIDENT

John A. Wagner

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SUMMARY MEETING NOTES

**FIRST 5 LA
SUMMARY MEETING NOTES
Special Meeting of the Executive Committee
May 17, 2021
3:00-4:30 pm**

EXECUTIVE COMMITTEE MEMBERS

PRESENT:

Judy Abdo
Yvette Martinez
Marlene Zepeda
Frank Ramos (Alternate)

EXECUTIVE COMMITTEE MEMBERS

ABSENT:

Bobby Cagle [EXCUSED]

STAFF PRESENT:

Peter Barth, Chief of Staff
Kim Belshé, Executive Director
Jennifer Eckhart, Director, Contract
Administration & Purchasing
Jasmine Frost, Interim COO/IT Director
Linda Vo, Board Secretary
John Wagner, Executive Vice President

LEGAL COUNSEL:

Craig Steele

1. Call to Order/Roll Call

The Special Meeting of the Executive Committee was called to order by Executive Committee Chair Abdo at 3:01 pm. Roll call completed.

2. Standing Items

- A. Annual Audit
- B. Review of Annual Operating Budget
- C. Review of Annual Report to the State Commission
- D. Contract Compliance
- E. Quality Assurance
- F. Evaluation
- G. Policy and Advocacy
- H. Personnel and Compensation

There was no further discussion on these items.

3. Present Proposed First 5 LA Procurement Policy Reforms

Jennifer E. presented an update on First 5 LA's Procurement policies. She informed the Committee there hadn't been a revision since 2014 so in 2019, a Procurement reform Project was launched to address some of the internal challenges faced by staff that resulted in inefficiencies and time intensive processes, as well as operational issues. Based on these assessments, staff came up with some recommendations to the Procurement Policy to address these challenges. Recommendation summary below:

SUMMARY MEETING NOTES

No Bid: Purchases in this range do not require bids	
Current	Up to \$5,000
Recommended	Up to \$10,000
Rationale	Aligned to NIGP guidelines, interview results, and benchmarking
Impact	Currently: 9% of agreements and <1% of spend. Recommendation: There is low impact to overall volume of spend. An additional 4% of agreements and an additional .05% of spend will not be competed.

Informal Bid: Purchases in this range require a min. of three bids	
Current	\$5,000 - \$24,999
Recommended	\$10,001-\$100,000
Rationale	This fits within NIGP guidelines, responsive to staff feedback, and benchmarking. This change will reduce the procurement level of effort on lower dollar procurements and maintains competition among three bidders.
Impact	Currently: 16% of agreements and <1% of spend. Recommendation: An additional 20% of agreements will fall under this threshold; roughly 2% of spend.

Formal Bid: Purchases in this range require an open solicitation process.	
Current	\$25,000 or more
Recommended	Over \$100,000
Rationale	Fits within NIGP guidelines and interview results. This recommendation aligns to the level of effort for this procurement method and ensures high level of open competition over this threshold.
Impact	Currently: 75% of agreements and 99% of spend. Recommendation: Will decrease the number of open, competitive agreements by 23%, accounting for 2% of spend.

SUMMARY MEETING NOTES

Board Approval: Threshold in which the board approves contracts	
Current	Contracts of \$75K+ and amendments of \$75K+ or 10 percent of the contract, whichever is higher
Recommended	Contracts and amendments above \$150K
Rationale	Considers the highest and most strategic use of the Board's time; will optimize time for staff; aligning thresholds will streamline monitoring for staff.
Impact	Currently: Board currently approves 57% of agreements (124), 98% of spend. Recommendation: Board will approve 42% of agreements (93) and 95% of spend.

ED Authority: Threshold establishes a limit for ED approval of contracts	
Current	Contracts under \$75,000
Recommended	Contracts and amendments up to \$150K. Contracts under ED authority (\$10k-\$150,000) will be presented as information to the board. Recommend that the board delegate contract authority to the ED above this threshold when the board is not in session when essential to support First 5 LA's operations and programs and will be provided as information to the board.
Rationale	This will focus the Board's involvement on contracts over \$150,000. Providing a list of contracts approved under ED authority will provide transparency to the Board and the public.
Impact	Currently: ED has authority on 43% of agreements, 2% of spend. Recommendation: These contracts represent 58% of agreements and 5% of spend.

Commissioners did express some concerns in the change of contract threshold that would allow the ED authority to approve certain contracts absent of Board oversight.

Jennifer E. informed Committee members that this item would be brought before the full Board in June as information before going as action at a later meeting date and that there could be more discussion there at that meeting to ensure the Board would be comfortable with all proposed changes prior to action.

There was no further discussion on this item.

4. Re-Procuring Legal Services for First 5 LA (Written only)

Prior to the discussion of this item, Craig S. excused himself from the meeting and logged off Zoom. The item proceeded with Peter B. informing the Committee that First 5 LA's contract with Richards, Watson & Gershon (RWG) for legal services has been on a

SUMMARY MEETING NOTES

month-to-month basis since 2019. Given this, by the end of this fiscal year (June 30, 2021) First 5 LA plans to release an updated Request for Qualifications (RFQ) to identify law firms interested in serving as Legal Counsel for First 5 LA. This was provided as an information only regarding the process First 5 LA intends to take in this RFQ. (See memo for detail of this RFQ process)

5. Public Comment (for items not on the agenda)

No public comments.

ADJOURNMENT OF REGULAR SESSION:

Meeting adjourned @ 4:19 pm.

NEXT MEETING:

There is no meeting on calendar for the next Executive Committee meeting; meetings are called as needed.

Summary minutes were recorded by Linda Vo, Board Secretary.

Memo

To: Executive Committee
 From: Linda Vo, Board Relations Manager
 Date: September 30, 2021
 Subject: Opportunities to Improve Board Engagement

BACKGROUND:

First 5 LA’s work significantly improves with thoughtful and strategic Board engagement, both in formal Board and Committee meetings and Commissioner participation in strategy refinement and project development.

First 5 LA staff also understand that serving as a member of the organization’s Board of Commissioners is a significant time commitment.

With this knowledge, First 5 LA’s Board Relations goals include improving strategic engagement with Commissioners, maximizing the efficient and effective use of Board time and leveraging Commissioner expertise to inform and improve First 5 LA’s work.

LEARNING TO INFORM PRACTICE:

Informed by ongoing Commissioner engagement and the Board of Commissioner survey completed in May 2021, First 5 LA continues to seek ways to improve Board engagement.

During the July Board of Commissioner meeting, Board Relations staff shared findings from the Commissioner survey. Key themes highlighted included: Board meeting materials are too voluminous, engagement with Commissioners can be more strategic, and Board meeting cadence is too frequent¹.

To address these findings, staff are exploring various efforts to be responsive to Commissioner feedback, including streamlining materials, strengthening presentations, and increasing engagement with Commissioners earlier in the development of work. Updating the Executive Director Report format and the recent effort to update First 5 LA’s procurement policy are two examples of the organization’s commitment to streamlining our Board-related work while ensuring Commissioners have the information needed to fulfill their strategic governance responsibilities.

¹ Question on Board Survey: Monthly Board meetings are frequent enough to ensure effective governance; 100% commissioners agree but Commissioner comments included – “sometimes feels like there are too many meetings and it’s hard to balance with my job”; “they appear too frequent but that may be because I’m also on the executive committee.”

COMMISSIONERS

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FOCUSING ON BOARD MEETING CADENCE:

Related to the Board survey finding regarding meeting cadence, the survey highlighted that First 5 LA's reduced meeting times (moving from three-hour to two-hour Board meetings) during the COVID-19 pandemic has not impacted the Board's ability to do its work.

Informed by this finding and observations from Commissioners who serve on multiple Boards outside of First 5 LA, Board Relations staff have explored First 5 LA's Board practices compared to the bylaws and practices of the other, largest First 5 Commissions in California. Staff also analyzed First 5 LA's current business practices for accomplishing required Board activities.

- For a comparison of First 5 LA's current Board meeting cadences with pre-pandemic practices and the practices of First 5 California, First 5 Orange County, and First 5 Alameda County, please see **Attachment A**.
- For an outline of all required First 5 LA Board actions, please see **Attachment B-1**. For an illustration of how staff currently support required Board activity, please see **Attachment B-2**.
- For a visual depiction of our current annual Board cadence, please see **Attachment C**.

KEY FINDINGS:

As the analysis captured in Attachments A, B-1, B-2, and C highlight, First 5 LA's meeting cadences are double and in one case triple the number of meetings held annually by the other largest First 5 Commissions. As currently scheduled, our 2021 Board calendar includes 26 meetings for a total of approximately 52 hours of meeting time, not including Commissioner meeting preparation or follow-up:

- 9 Board of Commissioner Meetings
- 4 Closed Sessions of the full Board
- 8 Program & Planning Committee Meetings
- 1 Budget & Finance Committee Meeting
- 3 Executive Committee Meetings (closed and regular sessions)
- 1 Combined Budget & Finance/Executive Committee Meeting

Individual First 5 LA Commissioners serving on multiple committees can participate in as many as four individual Board-related meetings in a month, as was the case in May 2021. Hypothetically, if 3 hours of preparation and follow-up were spent for each meeting, a Commissioner serving on the full Board and Program and Planning Committee is estimated to commit over 160 hours of time to First 5 LA service, or approximately one month of work using a standard work schedule of 8 hours per day, 5 days per week.

QUESTIONS FOR DISCUSSION:

Given First 5 LA's Board Relations goals, the findings from the Board survey, and the information presented, staff are interested in exploring the following questions with members of the Executive Committee:

- Do Commissioners believe the current Board meeting schedule is necessary for the Board to do its work?

- If Commissioners believe there are opportunities to streamline Board meetings, are any of the options presented by other First 5 Commissions worth further staff exploration?
- Based on your knowledge of other Boards and Commissions, are there particular practices or cadences that staff should assess?

Meeting Cadence: Comparison with Other First 5 Boards

(CY 2021)

ATTACHMENT A

	First 5 LA (during Covid)	First 5 LA (Pre- Covid)	First 5 CA	First 5 OC	First 5 Alameda
Meeting Type & Frequency	<p><u>Board Meetings (Regular):</u> 9/year 2 hours each</p> <p><u>Board Meetings (Closed):</u> 4/year 1 hour each</p> <p><u>Program & Planning Committee:</u> 8/year ≈ 2.5 hours each</p> <p><u>Budget & Finance Committee:</u> 1 Meeting 1.5 hours</p> <p><u>Executive Committee:</u> 1 regular ≈ 1 hour 2 closed 1.5 hours</p> <p><u>Combined Budget & Finance & Executive Committee:</u> 1 Meeting 2 hours</p>	<p><u>Board Meetings (Regular):</u> 9/year 3 hours each</p> <p><u>Board Meetings (Closed):</u> 4/year 1 hour each</p> <p><u>Program & Planning Committee:</u> 8/year 3 hours each</p> <p><u>Budget & Finance Committee:</u> 1 Meeting 1.5 hours</p> <p><u>Executive Committee:</u> 1 regular ≈ 1 hour 2 closed 1.5 hours</p> <p><u>Combined Budget & Finance & Executive Committee:</u> 1 Meeting 2 hours</p>	<p><u>Board Meetings:</u> 4/year 6 hours each</p> <p><u>PEO Committee:</u> 1/year 1.5 hours</p> <p><u>Special Board (COVID-19 related):</u> 1 meeting 2 hours</p>	<p><u>Board Meetings:</u> 6/year ≈ 1.5 hours each</p> <p><u>Special Board:</u> 1 Meeting ≈10 minutes</p> <p><u>Technical Advisory Committee:</u> 3 Meetings 1 hour each</p>	<p><u>Board Meetings:</u> 5/year 2.5 hours each</p> <p><u>Executive Committee:</u> 5/year 1.5 hours each</p>
Annual Budget	≈ \$114,000,000		≈ \$174,000,000	≈ \$28,000,000	≈ \$24,000,000
Total Number of Annual Meetings	26 Meetings	26 Meetings	7 meetings	10 Meetings	10 Meetings
Total Number of Annual Meeting Hours	52 hours	61 hours	27.5 hours	13 hours	24 hours

Annual Board Approval Requirements

1. **Mid-year Budget Adjustments:** Requirement not outlined in bylaws; in practice, Board approval sought by March of each year.
2. **Budget and Long-term Financial Plan:** Approved by June 30th of each year per bylaws
3. **Public Hearing of Strategic Plan Review:** Approved by June 30th of each year per bylaws
4. **Public Hearing: Receipt and File of First 5 CA Annual Report:** Received and Filed by June 30th of each year per bylaws
5. **Policy Agenda:** Requirement not outlined in bylaws; in practice, Board approval sought by the beginning of each year, though moving forward we would like it approved by December of each year.
6. **Performance Evaluation of the ED:** Requirement of a performance evaluation of the Executive Director to be done annually per bylaws; in practice we have been conducting this 4 times/year, approximately quarterly with 4th meeting taking place before the end of each year.
7. **Contract Renewals and Approvals in compliance with Board-approved Procurement Policy:** No set date or timeline for approvals but this is ongoing work that must be Board approved when above a certain threshold, per our Procurement Policy and bylaws. In practice, most renewals are Board-approved May through June and most new procurements are Board-approved July through April.

Current Practice of How We Accomplish our Annual Board Requirements

	PROGRAM & PLANNING COMMITTEE	BOARD	EXECUTIVE COMMITTEE (EC)/BUDGET & FINANCE COMMITTEE (BFC)
January			
February		● Midyear Budget Adjustment (Info)	
March		● Midyear Budget Adjustment (Action/Consent) ● Performance Evaluation of ED (Closed Session)	
April			
May	● Annual Budget & LTFP (Info)	● Annual Budget & LTFP (Info)	● Annual Audit – Entrance Interview (Info) ● Annual Budget & LTFP (Info)
June		● Annual Budget & LTFP (Action) ● Public Hearing: Receipt & File First 5 CA Annual Report (Info) ● Public Hearing: Strategic Plan Annual Review (Info) ● Performance Evaluation of ED (Closed Session)	
July			
August	NO MEETINGS		
September	● Annual Audit (Info; invite BFC and EC members to attend) ● First 5 LA Report to First 5 CA (Info; invite BFC and EC members to attend)	● Performance Evaluation of ED (Closed Session)	● Performance Evaluation of ED with EC (Closed Session)
October		● Annual Audit (Action) ● First 5 LA Report to First 5 CA (Action) ● Policy Agenda (Info)	● Performance Evaluation of ED with EC (Closed Session)
November		● Performance Evaluation of ED (Closed Session) ● Policy Agenda (Action)	
December	NO MEETINGS		

Current Board and & Committee Schedule (2021):

Meeting Duration:

1. Board of Commissioners (BOC) & Program Planning Committee (PPC) meetings | 2 hours/meeting
Note: some PPC meetings have run up to 3 hours/meeting
2. Executive Committee (EC)* | 1-1.5 hours/meeting
3. Budget & Finance Committee (BFC) meetings* | 1.5 hours/meeting
4. Combined Budget & Finance (BFC) and Executive Committee (EC) meetings* | 2 hours/meeting

	January	February	March	April	May	June	July	August	September	October	November	December
BOC												12
PPC												
EC												
BFC												
Combined BFC and EC												

*Note: * Meetings are called as needed*

First 5 LA

SUBJECT:

Information regarding re-procurement of Legal Services for First 5 LA

BACKGROUND:

Since early in the Commission's history, First 5 LA has contracted with outside counsel to provide legal services for the Board of Commissioners, Executive Director, and staff.

As staff reported to the Executive Committee on May 17, 2021, First 5 LA last issued a competitive solicitation for legal services in 2015. In accordance with the contract terms approved by the Board, First 5 LA executed the initial contract with Richards, Watson, and Gershon (RWG) in 2016, renewed the contract in 2019, and as of March 1, 2021, continues to work with RWG for legal services on a month-to-month basis.

UPDATE:

On August 9, 2021, staff issued a Request for Qualifications (RFQ) to solicit proposals from legal services firms interested in serving as First 5 LA's general counsel. Staff reached out to potentially qualified legal services firms and organizations connected to the legal services industry, and hosted an information session for interested applicants on August 17. Final submissions were due to First 5 LA by August 27.

In response to the solicitation, a total of three (3) organizations submitted proposals. The review process consisted of three levels of review:

Level 1 Minimum Requirement Review: First 5 LA staff reviewed each proposal for completeness and minimum requirements. Basic requirements included: timely receipt of proposal, submission of all required documents, and adherence to eligibility requirements. First 5 LA staff also conducted a due diligence review which included a review of the firm's status with the State Bar, complaints filed, and conflict of interest.

Level 2 Internal Review: Three proposals passed Level 1 Review and advanced to an internal review panel comprised of staff with knowledge of First 5 LA's current legal counsel services and experience in any of the following areas: Brown Act, Board Relations, Human Resources, Public Procurements and Contracts, Public Works projects, data privacy laws, lobbying and advocacy.

Level 3 Interview: First 5 LA invited the highest scoring proposer from Level 2 Review to interview, which were scored by members of the Executive Director's Office and the Director of Contract Administration and Purchasing.

Following the Level 2 Internal Review and Level 3 Interview, one firm was recommended for contracting: Richards, Watson, and Gershon (RWG).

RESULTS:

Staff is developing a recommendation to contract with RWG to serve as First 5 LA's general counsel. The recommendation will be submitted for information to the Board of Commissioners during the October 14, 2021 Board meeting with the intention to seek approval during the November 10, 2021 Board meeting.

Staff anticipates recommending contracting with RWG for an initial five-year term with the option to renew the contract for an additional five-year term.