

ORGANIZING COMMUNITIES FOR ACTION

CAP



47707

**UNDER THE 1967 AMENDMENTS TO
THE ECONOMIC OPPORTUNITY ACT**

FEBRUARY 1968

OFFICE OF ECONOMIC OPPORTUNITY

(Green Amendment)

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ORGANIZING COMMUNITIES FOR ACTION

Under the 1967 Amendments

to the

Economic Opportunity Act

February 1968

COMMUNITY ACTION PROGRAM

OFFICE OF ECONOMIC OPPORTUNITY

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EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506

A MESSAGE FROM

SARGENT SHRIVER

DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

In 1967, by the largest favorable vote in OEO's history, the Congress reaffirmed its commitment to the role of Community Action in the War on Poverty. At the same time the Congress significantly modified the ways in which Community Action Agencies are to be formed and operated. The overall effect of these changes is to require greater involvement of state and local officials while at the same time insisting on meaningful participation by the poor. ✓

The pages which follow contain detailed statements of policy and administrative procedure designed to carry out the changes in the law.

Within a few months every community must be prepared to make basic decisions about the future direction of its local Community Action Program. I urge all Community Action officials and public officials to review quickly these materials in cooperation with representatives of organizations and residents of the areas to be served. Those decisions and, more importantly, the resultant programs will be greatly improved if they reflect the thinking of all parts of the community.

The staff of the Office of Economic Opportunity stands ready to assist communities in any way possible.



Sargent Shriver
Director

A MESSAGE FROM
THEODORE M. BERRY
DIRECTOR, COMMUNITY ACTION PROGRAM

This handbook, Organizing Communities for Action, presents the CAP policies and procedures which implement requirements for the designation, recognition, and structure of community action agencies under Sections 210 and 211 of the Economic Opportunity Act, as amended by the Economic Opportunity Amendments of 1967. The handbook is not a comprehensive statement of CAP policies and procedures under the 1967 Amendments of Title II. Additional new policies required by the Amendments will be promulgated in subsequent issuances. Existing policies which are unaffected by the 1967 Amendments are found in Community Action Memoranda, program guidelines, and other CAP instructions.

Because of statutory deadlines, time is a critical factor in the implementation of the new Amendments. Both Community Action Memorandum 80 and Community Action Memorandum 81, included in this handbook, contain detailed timetables for compliance with the requirements of Section 210 and 211 respectively, of the Act. For ease of reference, those two timetables have been consolidated in the list of important dates at the front of this handbook.

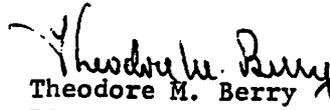

Theodore M. Berry
Director
Community Action Program

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IMPORTANT DATES

March 15, 1968

Statement of Intention to Designate a Community Action Agency (CAP Form 69, inside back cover) should be returned to the appropriate OEO Regional or Headquarters Office. (This form is intended to provide OEO with necessary planning information and is not a binding commitment on the part of the responding political jurisdiction).

May 1, 1968

Existing Community Action must file a Governing or Administering Board Composition Form (Draft Sample Form 71).

May 15, 1968

Political jurisdictions planning to designate a community action agency should have notified the State government and all political subdivisions within the jurisdiction, of their plans (CAP Form 74).

June 15, 1968

Responses to CAP Form 74 should be received from all political subdivisions notified on or before May 15.

July 1, 1968

(1)

All applications for recognition of a community action agency (CAP Form 70) are filed with the appropriate OEO Regional or Headquarters Office.

July 1, 1968

(2)

All Community Action Agencies must be in compliance with the revised Board Composition Requirements. (CAP Form 75, to be issued shortly.)

November 1, 1968

OEO to complete actions on applications and give (1) full recognition to existing community action agencies, and (2) provisional recognition to new community action agencies.

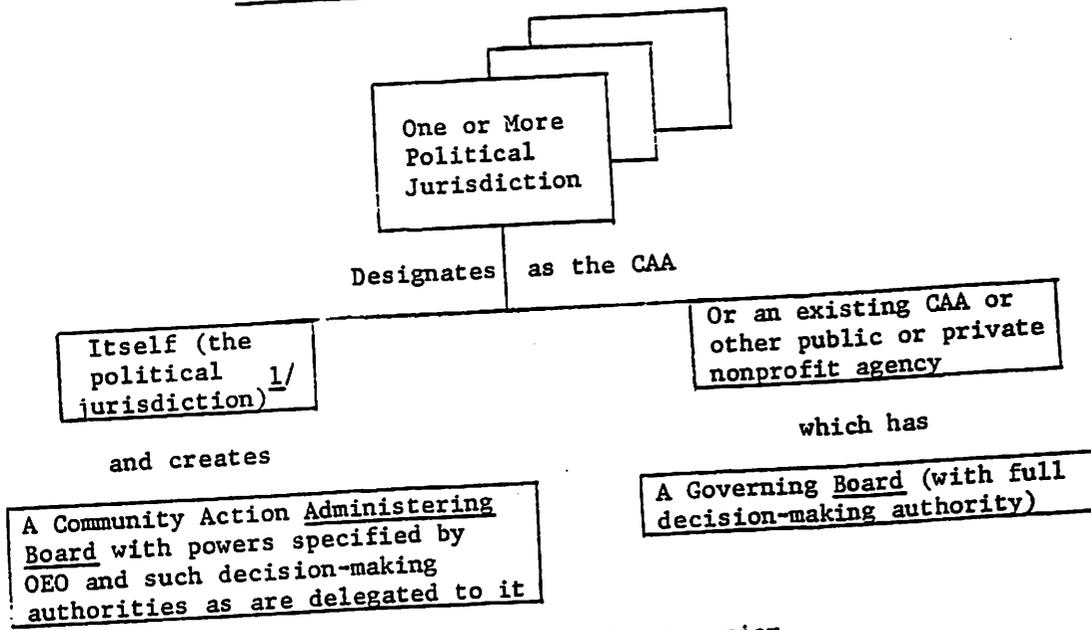
December 1, 1968

New community action agencies should have completed organization and met all requirements for full recognition.

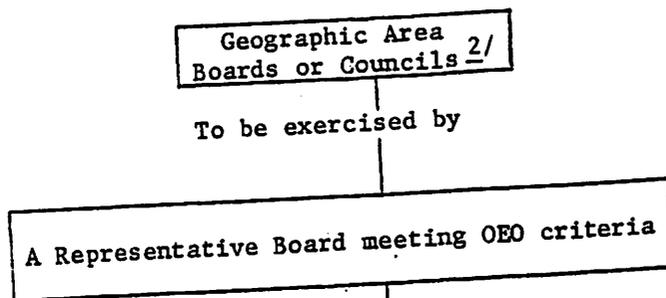
February 1, 1969

Transfer of community action programs should be completed in communities where new community action agencies are replacing existing ones. (See footnote 7 in Community Action Memorandum 80.)

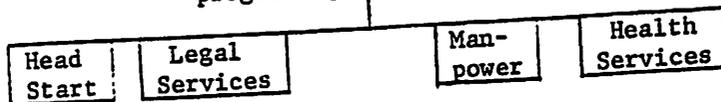
THE STRUCTURE OF COMMUNITY ACTION AGENCIES



The Board may delegate major decision-making authority to:



The act also encourages use of delegate agencies for actual program operation



Delegate Agencies are often required to have representative Policy Advisory Committees

1/ Decision making authority would then be retained by the governing officials unless delegated to the Administering Board or Area Boards.

2/ Certain neighborhood based organizations and/or neighborhood centers which have been delegated major decision making authority are considered area boards for board composition purposes (see Part E of CAP Memo 81).

THE COMMUNITY ACTION PROGRAM
COMMUNITY ACTION AGENCIES AND BOARDS
AND HOW THEY ARE FORMED

(For Detailed requirements See Community Action Memoranda Nos. 80 & 81)

A community action agency (CAA) is established at the local or state level to provide a focal point for anti-poverty efforts within a community or communities. Many people know of Community Action through some of its component programs such as Head Start, Legal Services, Upward Bound, Tutorial Programs, Comprehensive Health Centers, and other programs which have become nationally famous. These are all a part of Community Action, but there is more to it than that.

Community Action is a local coalition against poverty. It is a way for local citizens to work together in improving and enriching the lives of all the residents. It is a process of building bridges between poor and non-poor, between government officials and private groups, between professionals and laymen, between agencies which operate related programs, between the poor and the opportunities which could help them become self-sufficient, productive, respected citizens. Of great importance is the building of bridges between one poor person and another, so they can share the dignity of self-help in escaping from poverty.

Over these bridges can flow the knowledge, insights, talents and energies, as well as the physical and financial resources of all those participating in the partnership of Community Action.

Community Action is really a way of mobilizing resources of all kinds to fight poverty. In the American tradition, it is essentially a home-town effort. Because the resources to be mobilized and the concern about problems of poverty are State and Federal as well as local, bridges are also being built between levels of government through Community Action. The focus of attention, and the principal source of planning, decision, and action, however, is the local community, where the knowledge of problems is most complete.

What gives Community Action form and effect? What makes Community Action come alive? It is the Community Action Agency and its representative board which brings together local government officials, representatives of major community groups and representatives of the poor, to join hands in waging the local war on poverty. Under the Economic Opportunity Act Amendments of 1967, local governments

are given the responsibility for establishing Community Action Agencies and assuring that they meet the structural, procedural, and program requirements to qualify for Federal recognition and funding.

The Amendments sharpen the national definition of basic purposes and functions of the CAA. They re-emphasize that the CAA is not to be simply a dispenser of welfare or social services to the poor. It is to be a source of leadership in identifying and eliminating the causes of poverty. It is to exert its influence to "stimulate a better focusing of all available local, State, private and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient."

In this role it is expected to

- Significantly and meaningfully involve the poor in developing and carrying out anti-poverty programs.
- Mobilize public and private resources in support of anti-poverty programs.
- Coordinate efforts throughout the community so as to avoid duplication, improve delivery of services, and relate programs to one another.
- Plan and evaluate both long and short range strategies for overcoming poverty in the community.
- Serve as an advocate of the poor on matters of public policy and programs which affect their status, promoting institutional improvement and desirable changes in social policies and programs.
- Encourage administrative reform and protect individuals or groups against arbitrary action.
- Conduct in its own right or delegate to other agencies the development and conduct of programs financed through Economic Opportunity Act funds or other available funds.

The Act also provides for neighborhood level organizations including neighborhood centers and community based organizations controlled by the local residents. These will play a major role in evaluating needs and programs, and in developing and conducting programs which serve the residents of the area. This strengthening

of grass-roots capacity for self help is a vital part of strengthening the central CAA. The bridges between the poverty neighborhood and the CAA are among the most important in the whole complex of Community Action. The success in drawing poor people into the mainstream of community discussion and decisions through the relationships between CAA and neighborhood organizations is a major determinant of successful Community Action. Under the Act now, more than ever before, the responsibility for assuring that Community Action bridges are being built and that they are open to traffic in both directions--falls to the local elected officials. They need not bear the burdens alone--indeed, they cannot do so under the Act, which emphasizes widely shared responsibility among all elements of the community. But through wise decisions in performing their central function of designating the Community Action Agency they can set in motion a constructive process of community-building which will benefit not only the poor, but all of their citizens.

A strong resilient CAA, which wins the active support of the whole community including the poor, with its network of delegate agencies and neighborhood institutions, can be a major source of strength to the local government in dealing with the whole gamut of community problems. It can also increase the local capacity to obtain and make effective use of Federal and State resources through a wide range of programs which are available to help solve local problems.

DESIGNATING COMMUNITY ACTION AGENCIES

Over 1000 community action agencies (CAA's) have been recognized by OEO since the initial Economic Opportunity Act in 1964. Late in 1967 Congress amended that Act so as to give elected State, local and tribal officials the choice as to which agency should be designated as the community action agency for their community. OEO must also approve the designation by recognizing a CAA.

Decisions on designation by State and local governments will ordinarily involve both the mayor and council, the full Board of County Commissioners, the Governor and legislature, or the tribal council. The law permits and OEO encourages political jurisdictions to join together, especially in rural areas, to designate a single CAA where this will contribute to more effective programs. The law also permits the elected officials of a community which is a part of a larger community (for example a city within a State or a town within a county) to decide that they will not participate in (or will "opt out" of) the CAA designated by the larger community to operate within its boundaries.

A political jurisdiction may designate an existing community action agency, may designate a different agency or may choose not to designate any agency. In the absence of action by local or state officials OEO may, on its own authority, designate a CAA.

The process of designating an existing CAA is relatively simple since existing CAAs have already met the requirements for recognition by OEO. The two principal actions required are a public hearing (with written comments invited) and the notification of the designation to other political subdivisions which would be served by the community action agency.

If the political jurisdiction elects to designate a new and different CAA, it may either:

1. designate itself as the community action agency; or
2. designate a separate public or private non-profit agency as the CAA.

The basic difference between these two approaches lies in the degree to which the political jurisdiction wishes to be formally involved in the work of the CAA. Under the first alternative the political jurisdiction will ordinarily reserve to itself most of the significant decisions on policy, program and staffing. This alternative may not be available to all political jurisdictions because of limitations on their legal powers to meet statutory and administrative

requirements for community action agencies. Please read carefully the material in Section B of Community Action Memorandum No. 80. A political jurisdiction CAA which delegates policy or administrative authority must delegate it to a community action administering board.

Under the second alternative the significant decisions will be made by a community action governing board which is separate from the local government.

COMPOSITION OF BOARDS

Standards for the composition of community action governing and administering boards are identical and are described in the legislation. In brief:

1. One-third of the membership must be public officials (elective or appointive) provided that that number of people is available and willing to serve. One-third, therefore, is a maximum, but not necessarily a minimum.
2. At least one-third of the membership must be representatives of the poor selected by democratic procedures. The proportion of representatives of the poor may exceed one-third. Public officials are prohibited from selecting the representatives of the poor.
3. The remaining members of the board must be members or officials of business, industry, labor, religious, minority, welfare, education or other major groups and interests in the community. Selection of representatives will be made by those interest groups themselves. The total of such representatives may be less than one-third.
4. The total membership of the Board may not exceed 51.
5. No individual, other than a public official, may serve on a Board more than three consecutive years or more than a total of six years.
6. Special requirements apply on Federal Indian reservations.

SPECIFIC STEPS TOWARD ESTABLISHING A COMMUNITY ACTION AGENCY

Following is a list of steps leading to OEO recognition of a CAA. The dates shown apply to those communities which wish to have a community action agency recognized prior to February 1, 1969.

1. By March 15, 1968, the political jurisdiction should submit to OEO a Statement of Intention to Designate a CAA (CAP Form 69).
2. The political jurisdiction should examine the various organizational possibilities available to it. The effectiveness of its analysis will be increased if representatives of other affected jurisdictions, the poor, and private groups are involved in the discussions.
3. The political jurisdiction must hold a public hearing on its proposed designation with at least ten days public notice and with specific notification to the existing community action agency.
4. Applicants must advise the State Governor at least 45 days before it intends to apply for its proposed designation. If the area served by a CAA will include other independent jurisdictions which have elected officials the applicant must also notify such jurisdictions at least 45 days before it intends to apply using a notice similar in content to CAP Form 74.
5. An application for recognition (CAP Form 70) must be filed with OEO by July 1, 1968, if the CAA wishes to begin operations prior to February 1, 1969.
6. If the application for a new community action agency meets all legal requirements, recognition will be provisional. This means that the CAA may proceed to organize itself, to select and appoint the members of its governing or administering board, to formally adopt bylaws and to otherwise prepare itself for full recognition. Existing community action agencies which meet the legal requirements will be granted full recognition.
7. The CAA will submit by November 1, 1968, a report to OEO of the actions taken to carry out its organizing responsibilities. In those cases where it is replacing an existing CAA it must also submit a transition plan which:
 - a. provides for assuming the responsibilities and assets of the existing CAA.

- b. assures that individuals enrolled in limited term programs will have the opportunity to complete such programs;
 - c. assures that employees of the existing CAA will receive at a minimum those benefits to which they were entitled under policies in effect on December 23, 1967.
8. OEO will issue a statement of full recognition.

REPRESENTATIVE BOARDS AND COMMITTEES IN COMMUNITY ACTION PROGRAMS

Representative Boards are required to be established in several situations. These Boards are a primary vehicle for effectively involving the poor in community action programs. The manner in which they function will be one of the primary factors considered by OEO in its evaluation of Community Action Agencies.

The Act is very specific in its requirements as to the composition of principal representative boards at the level of the community action agency. These are described above as "administering" and "governing" boards.

In addition, the Act requires that OEO establish criteria for board membership in those situations in which the CAA has delegated major policy decisions for a particular geographic area to a subsidiary Board or council. (For example, a Neighborhood Corporation or Center or a County Board within a multi-county CAP.) Major policy decisions generally include the authority to decide which programs will be operated in their areas, to decide which agencies will run them, and to divide up funds allocated to the area among these programs. If a subsidiary Board or council meets these criteria then several rules apply. If the area concerned is coterminous with a political subdivision a minimum of one-third of the members of the Board shall be representatives of the poor. If the area concerned is a neighborhood or area which is not coterminous with a political subdivision, a majority of the board must be representative of the poor.

All Board members must live in the area which they represent. There must also be an opportunity for elected public officials or their representatives to serve on the Board. At a minimum at least those members of the local governing body representing the area should have a seat. If local elections are held at large then the local governing body may name a member.

MAKING THE CHOICE OF AGENCIES

The political jurisdiction, in making its decision as to which agency to designate, must be sure that it understands the requirements of law and OEO policies which stem from the law. Such requirements may, in some cases, make it impossible for a political jurisdiction itself to serve as the CAA.

In order for a CAA to be recognized by OEO it must among other things,

- have legal authority under State or local law to:
 - conduct a community action program;
 - contract with and delegate to public or private organizations (including religious organizations) the operation of programs;
 - give preference to the employment of poor people and persons over 55 years of age; and
 - receive, administer, and transfer funds.

Where a political jurisdiction lacks one of the vital powers or where it is of insufficient size it may designate another public or private non-profit agency which would have such powers and be of sufficient size. Similarly where the political jurisdiction officials are unable to devote substantial amounts of time to community action activities it would be preferable to designate the existing CAA or a new agency.

MINIMUM COMMUNITY SIZE

In order to be recognized as a CAA, the agency must serve an area of sufficient size to provide a suitable organizational base and otherwise possess the commonality of interest needed for an effective community action program. In general this means:

- A city or metropolitan area of at least 250,000 persons;
- A county or group of contiguous counties with at least 50,000 persons;
- A predominantly rural state or rural continuous area, with at least 50,000 persons; and
- A community already served by a CAA.

Many community action programs are operated by delegate agencies which may serve other purposes (e.g., a school board or hospital). In order to assure that there is effective involvement of the poor and private groups, OEO often requires the establishment of Policy Advisory Committees. For example in Head Start, this committee has at least 50 percent of its membership selected by the persons being served in the program. They are expected to concur in the appointment of the program director, and the submission of an application for funding. Requirements vary according to program.

COMMUNITY ACTION

Memo

COMMUNITY ACTION PROGRAM • OFFICE OF ECONOMIC OPPORTUNITY

MEMORANDUM NO. 80

EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506

DATE: February 15, 1968

SUBJECT: Designation and Recognition of Community Action Agencies
Under the 1967 Amendments to the Economic Opportunity Act
(Section 210 (a))

PURPOSE OF THIS MEMORANDUM

This Memorandum deals with the requirements under Sections 210 (a), 210 (c), and 210 (e) of the Act, as amended, for the establishment of Community Action Agencies (CAA's). 1/

Section 210(a) provides that:

"A community action agency shall be a State or political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or a public or private nonprofit agency or organization which has been designated by a State or such a political subdivision or combination of such subdivisions, which--

"(1) has the power and authority and will perform the functions set forth in Section 212, including the power to enter into contracts with public and private nonprofit agencies and organizations to assist in fulfilling the purposes of this title, and

"(2) is determined to be capable of planning, conducting, administering and evaluating a community action program and is currently designated as a community action agency by the Director"

1/ Section 211 of the Act, as amended in 1967, simultaneously imposes new requirements for the structure of community action agencies and the composition of their representative boards. Those requirements are dealt with in Community Action Memorandum No. 81 (CA Memo 81) being issued simultaneously with this memorandum.

At a future date OEO will issue guidelines relating to Section 210(d) of the Act which permits OEO to recognize community action agencies without prior State or local government designation in certain circumstances.

(Section 210(a) uses the word "designated" in two different ways. It refers to OEO "designation" of a Community Action Agency which has been "designated" by a State or one or more political subdivisions of a State. To avoid confusion, the word "designation" is used throughout this memorandum and future OEO instructions to refer only to State or local government actions. The word "recognition" is used to refer to the action taken by OEO. See the definitions in Part A of this memorandum.)

Section 210(e) of the Act provides that:

"No political subdivision of the State shall be included in the community action program of a community action agency designated under section 210(a) if the elected or duly appointed governing officials of such political subdivision do not wish to be so included. Such political subdivision, and any public or private non-profit organization or agency designated by it, shall be eligible for designation as a community action agency on the same basis as other political subdivisions and their designees."

This right to "opt out" is integrally related to the procedures for designation and recognition under Section 210(a).

Part A. DEFINITION OF TERMS USED IN THIS MEMORANDUM

- (1) "Community" - The geographic area and population to be served by a community action agency. Section 210(c) of the Act provides that:

"For the purpose of this title, a community may be a city, county, multicounty, or multicounty unit, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed for a community action program"

- (2) "STATE" - The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.
- (3) "POLITICAL SUBDIVISION" or "SUBDIVISION" - A unit of general local government for a specific geographic area within a State. Normally a county, township, metropolitan or regional government, city, town or village. The term also includes the tribal government of a State or Federal Indian reservation. It does not include specialized governmental agencies, such as school boards, conservation districts, or separate park or police authorities.
- (4) "Designation" - Selection of a proposed community action agency

by a State, a political subdivision (including the Tribal government of an Indian reservation) or a combination of political subdivisions. The State, subdivision, or combination of political divisions may either (a) designate itself or (b) designate a separate public agency or a private nonprofit organization. The designated agency may then apply for recognition by OEO in accordance with this Memorandum.

- (5) "Recognition" - Approval by OEO of a community action agency to serve a particular community. Under Section 210(a), OEO recognition of a community action agency follows designation of that agency by a State or by one or more political subdivisions. (Note that Section 210(a) itself refers to "designation" by OEO following "designation" by a State or one or more political subdivisions. However, to avoid confusion, the word, "recognition" is used to signify the "designation" by OEO.) OEO may grant "provisional recognition" until a new community action agency has established itself and met all applicable requirements, at which time "full recognition" will be given.
- (6) "Existing Community action agency" and "proposed community action agency" - An "existing community action agency" is one already recognized and funded to serve any portion of a community at the time an application for recognition of a new community action agency to serve that community is submitted to OEO in accordance with this Memorandum. In a case where an application is made for OEO recognition of a new community action agency, the agency named in the application is a "proposed community action agency."
- (7) "Governing officials"- Normally, (a) the governor and legislature of any of the 50 States, the Commonwealth of Puerto Rico, or a self-governing territory, or (b) the top elected or duly appointed officials of a local political subdivision, of the District of Columbia, or of a non self-governing territory, who collectively possess the power to adopt and carry out local laws or ordinances. However, if the Attorney General in writing that the governor, mayor or other chief executive official, or a specific group of the officials described above possesses the power either (i) to plan, conduct, administer, and evaluate a community action program, or (ii) to designate a separate public agency or private non-profit organization as a community action agency, then that official or group of officials may be considered the "governing officials" for that purpose.
- (8) "Opting Out" - A decision, made under Section 210(e) of the Act, by the governing officials of a political subdivision not to be included in the community action program of a community action agency which has been designated pursuant to Section 210(a) by the State or by one or more other political subdivisions.

- (9) "Separate public agency" - A public agency which is not itself a State, a political subdivision, or a combination of political subdivisions and which has a governing board that by law possesses the following exclusive powers with respect to a community action program: to appoint persons to senior staff positions (or to select such persons for purely formal appointment by others); to determine major personnel, fiscal and program policies; to approve overall program plans and priorities; to assure compliance with conditions of financial assistance under Title II of the Economic Opportunity Act; and to approve proposals for assistance under that title.

An agency formed by two or more independent subdivisions will be considered a separate public agency rather than a combination of subdivisions unless its principal board or council has the legal power to bind all of the constituent subdivisions jointly and without further action by those subdivisions.

PART B. THE POWERS AND FUNCTIONS OF COMMUNITY ACTION AGENCIES

A community action agency is established at the local or state level to provide a focal point for anti-poverty efforts within a community or communities. In this role it is expected to

- Significantly and meaningfully involve the poor in developing and carrying out anti-poverty programs.
- Mobilize public and private resources in support of anti-poverty programs.
- Coordinate efforts throughout the community so as to avoid duplication, improve delivery of services, and relate programs to one another.

- Plan and evaluate both long and short range strategies for overcoming poverty in the community.
- Serve as an advocate of the poor on matters of public policy which affect their status, promoting institutional improvement and desirable changes in social policy.
- Encourage administrative reform and protect individuals or groups against arbitrary action.
- Conduct in its own right, or delegate to other agencies the conduct of, programs financed through Economic Opportunity Act funds or other available funds.

Every community action agency must be able to plan, conduct, administer, and evaluate a community action program for its community in accordance with the purposes and provisions of Title II of the Economic Opportunity Act and the guidelines issued by OEO pursuant to the Act. Outlined below are the powers and functions which each CAA must be able to exercise in order to fulfill this basic requirement.

1. Every community action program must either include or be designed to include a sufficient number of component projects or activities (such as those listed below) to provide, in sum, a range of services and activities having a measurable and potentially major impact on the causes of local poverty.

It is the responsibility of each community action agency to select the projects and activities to be included in its own program and to insure that they are carried out by the best qualified available public agencies or private organizations. While the choice of projects and of arrangements for carrying them out is a basic responsibility of the community action agency itself, OEO must be assured that the range of choices will not be arbitrarily curtailed by limitations on the community action agency's legal powers. This means that the community action agency must have the legal powers to (i) conduct directly, or (ii) contract with other agencies and organizations to conduct, at least the following types of projects and activities:

- (a) Day care and pre-school.
- (b) Special, remedial and other non-curricular assistance to elementary and secondary school age children. Includes pre-college assistance.
- (c) Literacy courses and other adult basic education.
- (d) Legal advice and representation. Includes a wide range of civil and administrative cases and specific criminal cases where other adequate representation cannot be found.
- (e) Specialized and comprehensive neighborhood health services programs. Includes alcoholism programs. Also includes operation of health services physical facilities.
- (f) Emergency food and medical assistance to prevent starvation and counteract malnutrition.
- (g) Family planning, including information and contraceptive materials and devices. These must be made available in a manner consistent with individual moral, philosophical, and religious beliefs.
- (h) Programs to provide employment for persons over 55, and service and recreation for persons age 60 and over. Includes establishment of recreation and service centers run by the elderly themselves.
- (i) Neighborhood centers controlled by neighborhood residents providing a variety of services and activities, including those described elsewhere in this listing as determined by the residents.
- (j) Neighborhood organization and improvement programs.
- (k) Poor people's cooperatives. Includes credit unions and consumer cooperatives as well as usual types of producer, marketing, and distributing cooperatives.
- (l) Consumer education.
- (m) Housing development and services organizations, including development of programs and services, under other Federal housing legislation, for needy tenants and home-owners, but not including mortgage loans and long-term capital financing.

- (n) Employment and manpower training.
- (o) Youth employment and activities.
- (p) Individual and family counseling and referral to other local services.
- (q) Cash grant and loan assistance to individuals and families to meet immediate needs.
- (r) Voter education. Does not include actual assistance in voting or registering to vote.
- (s) Assistance to small neighborhood businesses.
- (t) Agricultural assistance in rural areas.
- (u) Economic development activities.
- (v) Training and technical assistance to carry out any of the projects in (a) through (u).
- (w) Planning and development of any of the projects in (a) through (v).
- (x) Evaluation of any of the projects in (a) through (w).

as.

2. In choosing the best qualified "delegate agencies" to conduct those projects and activities listed in #1 which it does not conduct itself, the community action agency must be able to contract with, and transfer funds to, any of the following, without limitation:

- (a) Private nonprofit organizations, including churches and church-related organizations.
- (b) Other private organizations, including business firms.
- (c) The State government.
- (d) Political subdivisions which are included in the community served by the community action agency.
- (e) Other specialized State, regional, or local public agencies, such as welfare departments, public schools and school systems, and regional planning agencies.

3. The community action agency must be able to procure necessary program facilities, goods, and services from the best available supplier.

4. The community action agency must be able to enforce delegation agreements and procurement contracts by appropriate means, including:

- (a) Audit and disallowance of improper costs.
- (b) Suspension and termination of the contract.
- (c) Court action to require performance.
- (d) Court action to recover any funds spent or in violation of a delegation agreement or for breach of contract.

5. The community action agency must be able to receive, expend, or transfer, and account for, Federal and State assistance funds, including all types of assistance which are available under applicable Federal or State law to other public or private nonprofit agencies.

6. Since most Federal assistance under the Economic Opportunity Act is provided on a matching basis, the community action agency must be able to accept, use, and account for, contributions from non-Federal sources of:

- (a) Cash.
- (b) Space and physical plant facilities.
- (c) Goods, materials, and equipment.
- (d) Volunteer or paid services.

7. The community action agency must also be able to match Federal assistance with its own property and funds, as necessary, to match Federal assistance.

8. To the extent that goods, equipment, or property are provided for use in the community action program, the community action agency must be able to hold and dispose of them as directed by the United States in accordance with the conditions of the assistance.

9. In connection with the community action program, the community action agency must be free from employment rules or restrictions which would prevent:

- (a) The hiring of any qualified poor person, in preference to other qualified persons who are not poor.
- (b) The hiring of any qualified person who lives in the neighborhood or area where the job is to be performed, in preference to other qualified persons who do not live there.
- (c) The employment of persons without any fixed upper age limit.
- (d) Restriction of non-professional jobs to particular types of persons because of their relationship to the program or its beneficiaries (for example, parents of pre-school children, manpower program trainees, the elderly, tenants of a particular project or block).
- (e) The hiring of any person who can perform a non-professional job, even though he lacks a formal education.
- (f) The hiring of an otherwise qualified person solely because he has a criminal record, unless that record casts doubt on his ability to perform the particular job with integrity and without danger to the program participants.
- (g) The employment of persons without regard to their race, creed, color, or national origin.
- (h) The payment to program employees of the current Federal minimum wage for employment in interstate commerce (\$1.60 an hour as of February 1, 1968).

10. In connection with the community action program, including the types of projects and activities listed in #1, the community action agency must also be free from any rules or restrictions which would prevent:

- (a) Restriction of program participation to persons who qualify under OEO income eligibility guidelines.
- (b) Restriction of program participation to persons who are residents of particular neighborhoods or areas.

- (c) Restriction of program participation to particular groups or classes of poor or low income persons in accordance with specific program guidelines (for example, the elderly, members of specific neighborhood organizations or cooperatives, and students in special schools).
- (d) Free participation in the program by persons who are currently living in the community, whether or not they qualify as legal or permanent residents.
- (e) Participation by all eligible persons without regard to race, creed, color, or national origin.

11. The governing laws, charter, or by-laws of the community action agency must not artificially restrict its ability to conduct a community action program within all political subdivisions in the community, in accordance with the program and fiscal plans and priorities set by the community action agency. For if the community action agency is an agency which is a combination of two or more political subdivisions or is a public agency jointly formed or designated by two or more subdivisions, it must be appropriate cases to use contributions of funds, equipment, from one subdivision for approved projects in another subdivision.

12. The community action agency must be able to meet all applicable requirements of CA Memo 81 which deals with the powers, structure, composition and procedures of representative boards. It is important that the governing officials and chief legal officers of State and local governments carefully review those requirements designating proposed community action agencies for recognition.

* * * * *

The preceding list of the powers and functions of community action agencies is not exhaustive. Every proposed applicant for recognition as a community action agency should familiarize itself with Title I of the Economic Opportunity Act 2/ and ascertain whether any provisions of its governing laws or its charter and by-laws would prevent it from serving as a community action agency in accordance with that title. Any uncertainties should be discussed with appropriate Regional or Headquarters Office of OEO.

2/ See Appendix A.

PART C. DESIGNATION OF COMMUNITY ACTION AGENCIES

1. Preference for local sponsorship.

Since community action is a local venture, OEO looks to local communities to sponsor their own community action programs. The purposes of Title II of the Act are better realized and the powers and functions of community action agencies are more effectively exercised under local initiative leadership.

Moreover, Section 210(e) of the Act, as amended in 1967, permits any political subdivision to refuse to be included in a State-sponsored community action program. See Part E of this memorandum.

Therefore, OEO will give preference to recognition of community action agencies which have been designated by local political subdivisions, rather than by States. The role of the States in providing assistance and coordination to those agencies and in conducting specific Title II programs in exceptional cases where OEO concludes that special circumstances require a departure from the rule of local sponsorship will be dealt with in a Community Action Memorandum, to be issued shortly. In this connection, Section 5 of this Part imposes a requirement that States be given notice and an opportunity to comment on proposed applications to OEO for recognition of locally-designated community action agencies.

2. Who Designates on Behalf of a State or Local Government.

The designation of a community action agency must be by the governing officials of the State or local government. (See definition of "governing officials" in paragraph 7, Part A of this memorandum). The power of designation may not be delegated.

3. The Manner of Designation.

Designation of a community action agency should be made by the governing officials in the same manner as they normally exercise their legislative or major executive powers, that is:

- (a) By act, ordinance, or resolution of a legislative body subject to any concurrence or veto power of the chief executive.
- (b) By executive order or proclamation of the Governor, Mayor, or other chief executive, if the Attorney General or other chief legal officer certifies in writing that the chief executive possesses the power to make the designation on behalf of the State or local government in question. (See definition of "governing officials" in paragraph 7, Part A of this Memorandum.)

4. Opportunity for the Public to Express Views before Designation

- (a) Before a State or a political subdivision designates a community action agency, it must provide an opportunity for resident organizations in the proposed community to publicly express views on the question at a public meeting or hearing conducted by the governing officials within the proposed community at which interested persons and organizations are given a reasonable opportunity to be heard and to submit written comments.
- (b) The procedures for the meeting or hearing, including written notice, may be in accordance with those prescribed by law for other important matters to be decided by the governing officials, but the following notice requirements shall be observed in addition:
- (i) There shall be at least 10 days advance public notice of the meeting or hearing.
- (ii) The notice shall clearly indicate that the question of a community action agency is being considered and shall also indicate any specific proposal or tentative decision that has already been made on the question.
- (iii) The notice shall be in writing and shall be published or posted in a place which is available to all interested persons or organizations. At least 10 days before the meeting or hearing a copy of the notice shall be mailed to any community action agency currently serving an area within the proposed community, to the current delegate agency of any such existing community action agency, and to each neighborhood - based organization within the CAA.

Important

Copies of the notice, the minutes of the meeting or hearing, and all written statements or comments received in connection with the meeting or hearing must be retained and made available to OEO on request.

5. Giving Notice of Designation to the State.

At least 45 days before an application for recognition of a community action agency under Section 210(a) of the Act is submitted to OEO, a copy or summary of the application must be sent to the State Economic Opportunity Office (formerly the State Technical Assistance Agency) for the State in question. (This requirement for notice to the State is in addition to the requirement for notification to subdivisions within the proposed community.)

The notice to the State may be sent by the designating agency or the proposed community action agency. The notice must be in any special form, so long as it is in writing and clearly advises the State Economic Opportunity Office of its right to receive the notice.

to the sender of the notice written comments on the proposed application, for consideration by the designating government(s) and OEO. The notice should also indicate the expected date for submission of the application to OEO. Any comments which the sender of the notice receives from the State should be forwarded at once to the designating local government. Copies of the comments should be retained for submission with the application to OEO for recognition of the community action agency.

6. Revoking or Changing a Designation of Previous Community Action Programs

The revocation or change of a previous designation of community action agencies may cause serious disruptions in the community action program with resulting hardship to the beneficiaries of the program. OEO's experience with major reorganizations and transfers of community action programs has been that the best time to make such changes is at the time of the annual refunding of the program by OEO, that is, at the beginning of the new program year.

Accordingly, the authority of a State or of one or more political subdivisions to revoke a previous designation of a community action agency and to designate a new community action agency under Section 210(a) will be subject to the following limitations:

- (a) The requirements set forth in the preceding Sections 2, 3 and 4 of this Part C (dealing with procedures for designating community action agencies) shall apply to revocations of designations as well as to new designations.
- (b) In the absence of special circumstances, no designation of a community action agency made between February 15, 1968, and January 31, 1969, may be revoked or changed before February 1, 1969, except in favor of an existing community action agency already serving the subdivision which made the designation.
- (c) In the absence of special circumstances, no revocation or change of designation made after February 1, 1969 will be given effect before the end of the then-existing community action agency's current program year. If there are fewer than 90 days left in the current program year at the time that OEO receives notice of the revocation or change of designation, OEO may defer the effective date until the end of the existing community action agency's next program year or until such earlier time as an orderly changeover or closedown can be carried out.

PART D. COMMUNITY ELIGIBILITY TESTS AND FUNDING PRIORITIES

This part describes the basic standards and criteria which be applied by OEO in considering whether or not to recognize community action agencies designated under Section 210(a) of the Economic Opportunity Act in accordance with the requirements set forth in Part C.

1. Minimum Tests of Community Eligibility

A community will be eligible to be served by a community action agency recognized by OEO if it provides a suitable geographical base and possesses the commonality of interest for a community action program. At a minimum, the community shall be one of the following:

- (a) A city or other municipality, or a group of communities, or a metropolitan area which has a population of 250,000 people or more, according to the most recent available census data.
- (b) A county or group of adjacent counties which has a population of 50,000 people or more, according to the most recent available census data.
- (c) A state or a continuous area within one or more states which has a total population of 50,000 people or more according to the most recent available census data and which meets both of the following additional conditions:
 - (i) The county government(s) and all political subdivisions within the county or counties have been notified of the plan to form such a community action agency.
 - (ii) The area in question is predominantly rural. If it is an area in which more than 50 percent of the population is rural or in which there is no political subdivision below the county level with a population over 10,000, according to the most recent census. (Rural and urban population by county can be found in "1960 Census of Population and Housing, Part A, Table 6. Table 7 indicates population of political subdivisions below the county level.)
- (d) One or more Federal Indian reservations.
- (e) An area which does not satisfy any of the tests set forth in paragraphs (a), (b), or (c), but which is situated in the same geographical area as a community served by a community action agency during the previous 12 months, provided, that the political subdivisions within the area and the proposed community action agency

rejected a reasonable opportunity to combine the area with adjacent areas so as to enable the combined area to meet one of the tests in (a), (b), or (c).

2. Loss of Eligibility; Splintering

Communities which are eligible under one of the tests in Section 1 will lose their eligibility if, due to loss or change of area, they cease to satisfy any of those tests.

If a previously eligible community is splintered into two or more parts because of a decision by one or more political subdivisions to withdraw from the community action program (see Part E) or for any other reason, the separate parts of the former community will be eligible to be served by their own community action agencies only if they satisfy one of the tests in Section 1. However, loss of eligibility will not preclude OEO from assisting appropriate limited-purpose projects within the area, in accordance with Section 3, below. OEO will be particularly sympathetic to proposals to provide such assistance for any area which has lost its community eligibility through no fault of its own. In any event, OEO will attempt to make an equitable allocation of the funds currently available for all parts of the splintered community, taking into account all the circumstances.

3. Limited-Purpose Assistance Within Ineligible Areas

In the event that an area fails to satisfy any of the community eligibility tests set forth in Section 1, above, OEO may nonetheless be able to provide Title II assistance for appropriate limited-purpose projects within that area under one of the following discretionary authorities:

- (a) Specific "local initiative" projects under Sections 221 or 241(c) of the Act.
- (b) Special emphasis projects under Section 222 of the Act.
- (c) Training projects under Section 230 of the Act.
- (d) Research or pilot projects under Section 232 of the Act.

Assistance under one or another of these authorities may also be available to areas which do meet one of the eligibility tests in Section 1, above, but which do not come within the funding priorities described in Section 4, below. Assistance under Sections 230 and 232 of the Act must meet a need and priority determined by OEO, since training, research, and pilot projects are supported as means of assisting other programs and activities related to Title II.

4. General Funding Priorities

Designation of a proposed community action agency to serve an eligible community does not necessarily insure OEO recognition and funding of the community action agency. Available funds are limited. OEO's experience over the past three years has been that new community action agencies should be funded only when there is a foreseeable likelihood that they can secure a level of Title II assistance which will enable them to have a significant impact on local poverty, either through programs conducted with such assistance or through the ability to use that assistance to mobilize other local resources and to secure Federal and State assistance from other sources. ^{3/}

Moreover, new Section 244(7) of the Act now adds a further limitation by specifying that the costs of developing and administering programs carried on by community action agencies under Title II should not exceed 15 percent of the costs of those programs. This 15 percent limitation may make it exceedingly difficult for small community action agencies to engage in program development and administration since they cannot be funded at sufficient levels to permit the employment of adequate administrative staffs within the limitation.

As a result, OEO has determined that during Fiscal Years 1968 and 1969 first priority must be given to maintaining meaningful levels of assistance to those communities which meet the eligibility tests in Section 1, above, and which have already begun community action programs, and to increasing the levels of assistance to eligible rural communities which have not yet reached meaningful levels of assistance. Second priority will be given to funding at meaningful levels new rural communities. Increased or new assistance to rural communities will be focused on counties whose incidence of poverty places them in the poorest 40 percent of all counties in the U. S.

These priorities are not inflexible and are in any case subject to the availability of funds. They are also subject to statutory provisions such as the state allotment requirements in Section 225 of the Act and the intent of Section 210(c) of the Act that the geographic boundaries of community action programs and other Federally-assisted programs should be coterminous or complementary to the extent consistent with the objectives of Title II.

^{3/} OEO will issue separate guidelines and criteria under Section 244(7).

PART E. "OPTING OUT" - DECISION BY A POLITICAL SUBDIVISION NOT TO BE INCLUDED IN A COMMUNITY ACTION AGENCY DESIGNATED BY A STATE OR ANOTHER SUBDIVISION UNDER SECTION 210(e)

1. Right to "Opt Out." Pursuant to Section 210(e) of the Act (quoted at the beginning of this memorandum), the governing officials of a political subdivision may "opt out" of the community action program of a community action agency which has been designated by the State or by another subdivision or group of other subdivisions. If a subdivision "opts out" of the community action program, the program will not be able to serve the residents of that subdivision. The right to "opt out" applies to existing as well as proposed community action programs.

The decision to "opt out" should be made by the governing officials in the same manner as designations of community action agencies under Sections C.2 and C.3 of this memorandum.

2. Notification of Designation and Response of Notified Subdivisions

- (a) If a state or a political subdivision designates a community action agency to serve an area which includes another subdivision, at least 45 days before applying to OEO for recognition of the proposed community action agency, either the designating government or the proposed community action agency shall send a notice of the designation (CAP Form 74), together with a copy or fair summary of the following documents, to every other political subdivision within the area which has not already given its written endorsement of the designation and application: CAP Form 70 (Application for Recognition of a Community Action Agency); CAP Form 71 or Administering Board Composition); CAP Form 5. ^{4/}

- (b) The governing officials of a subdivision to which the notice is sent should respond to the notice at the earliest possible date, in any case within 30 days after receiving the notice.

3. Decision to "Opt Out" of an Existing Community Action Program

After February 1, 1969 a decision by the governing officials of a political subdivision served by a currently operating community action program to "opt out" of that program will be considered equivalent to revoking the subdivision's

^{4/} See Appendix B.

designation of the existing community action agency. provisions set forth in Section C. 6, above (dealing with revocation of designation), will therefore apply.

The governing officials of the "opting out" subdivision should also promptly notify the existing community action agency, the governor of the State, and the appropriate regional or headquarters office of OEO of their decision.

4. Consequences of "opting Out"

While the right of a political subdivision to "opt out" of the community action program of a community action agency designated under Section 210(a) is established by statute, the possible consequences of such a decision should be considered by the governing officials before the decision is made.

- (a) The subdivision's ability to start its own community action agency, either alone or in combination with adjacent communities, will in any case be subject to the eligibility tests and funding priorities described in Part D of this memorandum.
- (b) If the decision to "opt out" reduces the remaining areas of the proposed or existing community action program below the minimum eligibility tests in Part D, the remaining areas will also become ineligible to have a community action program, although not ineligible for limited purpose funding under the authorities described in Section D. 3.
- (c) Once a subdivision "opts out", OEO cannot guarantee that it will be able to rejoin that community action program at a later time, since the remaining subdivision may reject such an attempt. In order to prevent this, they may "opt out" of any attempt to reconstitute the original community.
- (d) Once a previous community has splintered as a result of the decision of one or more subdivisions to "opt out", it will be OEO's responsibility to determine what is an equitable allocation of the funds available for all parts of the splintered community, taking into account all of the circumstances.

(e) The decision of a subdivision to "opt out" of a currently operating community action program can cause serious disruption to the program as a whole as well as privation to the program beneficiaries within that subdivision.

(f) If a subdivision which meets one of the eligibility tests in Section D. 1 of this memorandum "opts out" of a community action program and is unwilling to designate a community action agency on its own, OEO may directly recognize a public or private nonprofit community action agency for that subdivision pursuant to Section 210(d) of the Act. (See footnote 1, page 1 of this memorandum.)

PART F. APPLICATIONS FOR RECOGNITION OF COMMUNITY ACTION AGENCY
SECTION 210 (a)

1. Applications for Recognition of Existing Community Agencies

An application to OEO for recognition of an existing action agency under Section 210(a) of the Act shall consist of two copies of a completed application form (see Part B. 2, CAP Form 70), together with two copies of each of the following attachments listed in Part B of the application:

- (a) Designation by a State or one or More Political Subdivisions. See Sections C.2 and C.3 of this Memorandum

The designation must be in writing and in the form for similar official actions of the governing officials. If the governor, mayor, or other executive or a specific group of the governing officials makes the designation, the certification of the Attorney General or chief legal officer referred to in Section C.2(b) must be included.

- (b) Certification that Interested Members of the Community Were Given an Opportunity to Express Their Views Before Designation. See Section C.4 of this Memorandum

One of the governing officials of the designating government must certify in writing that the requirements in Section C.4 were satisfied by the governing officials before designation. Not less than two copies of the notice, of the minutes of the hearing, and of all written comments received must be made available to OEO, if requested.

- (c) Notice to Other Subdivisions Together with Copies of Their Responses. See Section E.2 of this Memorandum

The applicant should certify that notice was given to every other subdivision within the community that had not already given its written response of the designation and application (See Appendix A, CAP Form 74). Copies of all written endorsements together with a list of the notified subdivisions and a copy of each response received should be submitted.

- (d) Notice to the State, Together with a Copy of Its Response.
See Section C.5 of this Memorandum

The applicant should attach a copy of the notice sent to the State Economic Opportunity Office pursuant to Section, C.5, together with a copy of any comment received from the State in response to the notice.

- (e) Evidence of Compliance with Section 211, if not Previously Submitted to OEO.

This need not be resubmitted if the designated community action agency has previously submitted it to OEO. See Section F.1 of CA Memo 81.

- (f) A Map and Completed CAP Form 5 Showing Any Changes in the Proposed Community Since the Last OEO Funding of the Community Action Agency.

These attachments are required only if the area included in the community has changed since the last time the community action agency was funded by OEO. The map should be large enough and marked so as to show any such changes clearly and in reasonable detail.

2. Applications for Recognition of New Community Action Agencies

An application for recognition of a new community action agency shall consist of a completed application form (see Appendix B.2, CAP Form 70), together with the following attachments listed in Part B of the application.

- (a) - (d) See the corresponding paragraphs of Section 1, above.
All of these requirements must be satisfied.

- (e) Evidence of Compliance with Section 211 (CAP Form 75, to be issued shortly)

An especially important part of the application for recognition of a new community action agency will be evidence that it has been or will be established in compliance with CA Memo 81. CAP Form 75 will record evidence of such compliance.

- (f) Map and Community Information (CAP Form 5)

- (i) The map should be large enough and colored, shaded, or otherwise marked to show clearly and in reasonable detail the following:

--All geographic areas and political subdivisions included within the proposed community

--All immediately adjacent areas and political subdivisions within the same county or counties or the same inclusive subdivisions which are not included within the proposed community.

(ii) The applicant should submit a completed CAP Form 5 providing information concerning the community to be served. 5/

(g) Assurance of Civil Rights Compliance (CAP Form 11)

The proposed community action agency must submit an executed copy of CAP Form 11.

(h) Local Civil Service Agency's Certification (CAP Form 73)

If the proposed community action agency's personnel policies and procedures are subject to regulation by a State or local Civil Service System, CAP Form 73 must be sent to such agency, which must complete and return it to the designating political jurisdiction. A copy of the completed form must be included with the Attorney's Certification, CAP Form 72.

(i) Attorney's Certification and Governing Legal Documents (CAP Form 72)

(i) The Attorney's Certification, CAP Form 72, must be submitted as part of all applications for recognition of a new community action agency. (CAP Form 4 will not be deemed sufficient.) The certification must be completed and signed by the attorney or chief legal officer.

The Attorney's Certification is a particularly important part of an application for recognition of a State or one or more local governments or a separate public agency as a new community action agency, in view of the widely differing legal requirements and limitations applicable to State and local governments throughout the United States.

If those requirements and limitations significantly restrict the powers and functions which a community action agency must be able to exercise, OEO may find it necessary to deny or withdraw recognition, with a resulting loss of programs and services to the poor.

(Similar problems may arise in connection with private nonprofit organizations, but in general OEO has found that the charters and by-laws of those organizations can be drafted so as to avoid any such conflict.)

5/ Copies of CAP forms can be obtained from the appropriate OEO office or headquarters office.

In Part B of this memorandum many of the powers and functions necessary to a community action agency are briefly described. The listing is not exhaustive, but it includes the minimum requirements for community action agencies and identifies the major areas in which local governments and other public agencies have previously experienced difficulty under Title II of the Economic Opportunity Act.

The text of Part B is also attached to the Attorney's Certification form, CAP Form 72. Each certifying attorney is expected to read that attachment as well as the provisions of Title II of the Act.^{6/} In completing the attorney's certification form, he should identify any points which he considers likely to pose legal problems for the proposed community action agency and attach a brief statement of any such problems, together with a citation or quotation of any relevant legal authorities.

(ii) Copies of the governing legal documents for the proposed community action agency should also be attached in accordance with the instructions accompanying the attorney's certification form.

j) Preliminary Transition Plan - Required Only In Cases Where the New Community Action Agency Would Succeed an Existing Community Action Agency.

A preliminary transition plan is required only where the new community action agency would succeed one or more existing community action agencies which are currently funded by OEO to serve all or part of the proposed community.

The preliminary transition plan submitted as part of an application for recognition of a new community action agency should not be the vehicle for making major changes in the community action program as it has been previously run by the existing community action agency. Those changes should await consideration by the principal representative board of the new community action agency once it is installed following provisional recognition by OEO. (See Part G for timetable including steps to provisional and full recognition by OEO.)

The purpose of the transition plan is to assure an orderly transfer of the program functions, obligations, records, authority, and funds from the existing community action agency to a newly-recognized community action agency so that the transition itself does not cause disruption or other unnecessary problems. Where an existing community action agency also serves areas outside of the proposed community, the transfer will apply only to the extent directed by OEO.

In connection with assistance and programs under the Economic Opportunity Act the preliminary transition plan must, at a minimum, include arrangements for the following steps:

^{6/} See Appendix A to "Organizing Communities for Action."

- (i) Assumption of the existing community action agency's delegate agency agreements and other obligations.
- (ii) Transfer of Federal and matching non-Federal funds in the possession, custody, or control of the existing community action agency.
- (iii) Transfer of outstanding grants and grant actions.
- (iv) Transfer of program property in the possession, custody, or control of the existing community action agency in which the Federal Government holds an interest or a residual power of disposition. Provision should be made for a joint inventory of the property by both agencies at the time of transfer.
- (v) Assurance that the new community action agency will, at a minimum, accept as obligations all employment rights of employees of the existing community action agency which have accrued in accordance with those provisions of the existing community action agency's personnel policies which were in effect on February 15, 1968.
- (vi) Provisions for the transfer or payment of accounts payable and other obligations incurred by the existing community action agency prior to takeover by the new community action agency.
- (vii) Provisions for the transfer of accounts receivable and other claims acquired by the existing community action agency prior to take-over by the new community action agency. Alternatively, the two agencies may agree on procedures for the existing community action agency to collect those accounts and claims and make an accounting to the new community action agency.
- (viii) Transfer of insurance policies held by the existing community action agency.
- (ix) Transfer of authority to draw against Federal letters of credit.
- (x) Transfer of leases held by the existing community action agency.
- (xi) Transfer of the records of the existing community action agency, with appropriate procedures to ensure the latter access to and the right to duplicate any portion of the records.

(xii) Assurance that persons enrolled in limited-term programs (such as Head Start or manpower training) at the time of transfer will be permitted to complete those programs.

(xiii) An audited or agreed upon balance sheet as of the time of the transfer.

If any features of the transition plan will take place over a period of time, the approximate time schedule should be indicated.

Arrangements for carrying out the transition plan should be negotiated between the new community action agency and the existing community action agency at the earliest possible time, and OEO should be promptly advised of any difficulties which arise in the course of those negotiations and which could endanger completion of an orderly transition or the protection of program property and funds. Note the 1968-69 timetable in Part G of this memorandum, which follows.

PART G. TIMETABLE FOR 1968-69

Section 210 of the Act becomes effective on July 1, 1968. However, an additional seven-month period - to February 1, 1969 - is allowed to complete the transition in any community where a new community action agency designated and recognized in accordance with this Memorandum will replace an existing one. 7/

This is a critical factor if these statutory dates are to be met without disruption of existing community action programs (see footnote 7). The timetable below lists the dates for the various steps leading to initial recognition of community action agencies under Section 210(a) of the Act.

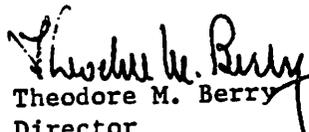
The July 1, 1968 date for filing applications for recognition is especially important. If it is not possible for OEO to recognize and fund a community action agency for every eligible community which applies, those applications will have to be reviewed in light of the funding priorities explained in Section D.4 of this Memorandum. In order to allow for the review and for the later steps which must be taken by new community action agencies in order to meet the February 1 deadline, OEO may be forced to refuse to consider applications received after July 1, 1968.

Note that new community action agencies recognized by OEO will be granted provisional rather than full recognition in the first instance. Full recognition in those cases will be deferred until the new agencies have actually completed their organization in accordance with the requirements of Community Action Memorandum 81 and have taken any other steps required under the provisional recognition.

7/ If the application for recognition has been filed on or before July 1, 1968 but the February 1, 1969 deadline for completing the transition cannot be met, and if the designating State or subdivision(s) agree, the deadline can be extended by the issuance of a temporary designation and recognition of the existing community action agency to continue operations until the transition is completed.

Timetable For Compliance With Section 210

- March 15, 1968 Notice of Intent to Designate a Community Action Agency (CAP Form No. 69) should be returned to the appropriate OEO Office.
- May 15, 1968 Political jurisdictions planning to designate a Community Action Agency should have notified the State government and all political subdivisions within the jurisdiction of their plans. (CAP Form No. 74).
- June 15, 1968 Responses should be received from all political subdivisions notified on May 15.
- July 1, 1968 All applications for recognition of a Community Action Agency (CAP Form No. 70) should be filed with the appropriate Regional or Headquarters Office.
- November 1, 1968 OEO expects to complete actions on applications and give (1) full recognition to existing community action agencies and (2) provisional recognition to new community action agencies.
- December 1, 1968 New community action agencies should have completed organization and met all requirements for full recognition.
- February 1, 1969 Transfer of community action programs should be completed in communities where new community action agencies are replacing existing ones. See footnote 5.


Theodore M. Berry
Director
Community Action Program

COMMUNITY ACTION

Memo

COMMUNITY ACTION PROGRAM • OFFICE OF ECONOMIC OPPORTUNITY

MEMORANDUM NO. 81

EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506

DATE: February 15, 1968

SUBJECT: The Organization of Community Action Agency Boards and Committees
under the 1967 Amendments to the Economic Opportunity Act. (Section 211)

PURPOSE OF THIS MEMORANDUM

This memorandum supersedes Community Action Memorandum No. 57 (January 11, 1967).

The 1967 Amendments to Title II of the Economic Opportunity Act impose new requirements for community action agency boards. This memorandum deals with those requirements under Section 211 of the Act as amended, and also contains OEO guidelines on related aspects of the internal organization of community action programs. 1/

The deadline for compliance with the requirements of Section 211 of the Act is July 1, 1968. Therefore, any existing community action agency (CAA) which intends to operate after that date must observe the timetable and procedures for compliance set forth in Part F of this memorandum.

PART A. DEFINITION OF TERMS USED IN THIS MEMORANDUM

- (1) "Community". The geographic area and population to be served by a CAA.

"For the purpose of this title, a community may be a city, county, multicounty, or multicounty unit, an Indian reservation, or a neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of interest needed for a community action program..."

1/ Section 210 of the Act, as amended in 1967, simultaneously imposes important new requirements governing the designation and recognition of community action agencies. Those requirements are dealt with in Community Action Memorandum 80 which is being issued simultaneously with this memorandum.

- (2) "State". Any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.
- (3) "Political subdivision" or "subdivision" A unit of general local government for a specific geographic area within a State. Normally a county, township, metropolitan or regional government, city, town or village. The term also includes the tribal government of a State or Federal Indian reservation. It does not include specialized governmental agencies, such as school boards, conservation districts, or special park or police authorities. Nor does it include wards or precincts.
- (4) "Existing Community Action Agency" A CAA which is already recognized and funded to serve any portion of a community at the time an application for recognition of a new CAA to serve that community is submitted to OEO in accordance with Community Action Memorandum 8 (CA Memo 80).
- (5) "Governing Officials" Normally, (a) the governor and legislature of any of the 50 States, the Commonwealth of Puerto Rico, or a self-governing territory, or (b) the top elected or duly appointed officials of a local political subdivision, District of Columbia, or a non-self-governing territory, who collectively possess the power to adopt and carry out local laws or ordinances.

However, if the attorney general or other chief legal officer of the political jurisdiction certifies in writing that the governor, mayor or other chief executive officer, or a specific group of officials described above, currently possesses the power to plan, conduct, administer, and evaluate a community action program or designate a separate public agency or private non-profit organization as a CAA, then that official or group of officials may be considered the "governing officials."

- (6) "Representative Boards and Committees" Those boards and committees within a community action program which are required by statute or by OEO guidelines to provide for representation of the poor, the elderly, of the residents of areas and members of groups served by the program. In some cases representative boards or committees must also provide for representation of certain public officials and other groups and interests. The specific representation requirements, powers, and functions of various boards and committees vary and are prescribed by the relevant statutory provisions and OEO guidelines.

The term "Principal Representative Boards" refers to the governing and administering boards of community action agencies which are organized in accordance with Parts B, C, and D of this Memorandum.

- (7) "Separate Public Agency" A public agency which is not itself a State, political subdivision, or combination of political subdivisions, and which has a governing body that by law possesses the following exclusive powers with respect to a community action program: to appoint persons to senior staff positions (or to select such persons for purely formal appointment by others); to determine major personnel, fiscal, and program policies; to approve overall program plan and priorities; to assure compliance with conditions of financial assistance under Title II of the Economic Opportunity Act; and to approve proposals for assistance under that Title.

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PART B. DEFINITION AND POWERS OF PRINCIPAL REPRESENTATIVE BOARDS OF COMMUNITY ACTION AGENCIES.

- (1) Distinction Between a Governing Board and an Administering Board. Section 211 of the Economic Opportunity Act, as amended, requires that every CAA have a broadly representative board. However, the two sentences of Section 211 (a) make a distinction between a "governing board" and a "community action board." Section 211(a) provides that:

"Each community action agency which is a State or a political subdivision of a State, or a combination of political subdivisions, shall administer its program through a community action board which shall meet the requirements of subsection (b). Each community action agency which is a public or private nonprofit agency or organization designated by a State or political subdivision of a State, or combination of political subdivisions, or is an agency designated by the Director under Section 210(d), shall have a governing board which shall meet the requirements of subsection (b)."

To avoid confusion, the term "administering board" is substituted for "community action board" throughout this Memorandum. However, this term does not imply that the functions of these boards are necessarily limited to administration.

The representation requirements of Section 211(b), which are described in Part C of this Memorandum, apply to both governing boards and administering boards. However, the powers of the two kinds of boards are different. Section 2, below, describes the differences.

Whether the principal representative board of a community action agency will be a governing board or an administering board will depend in turn on the character of the community action agency itself.

- (a) Where a State, a political subdivision, or a combination of political subdivisions, elects to serve as the community action agency in its own right, Section 211(a) calls for the establishment of an administering board under the supervision of governing officials, and the representation requirements of Section 211(b) will apply to that board. (The tribal government of an Indian reservation will be considered the administering board as well, if there are no other officials or major groups and interests within the community.)

(b) Where a State, a subdivision, or a group of subdivisions designates a separate public agency or a private non-profit organization to serve as the CAA, the representation requirements of Section 211(b) will apply to the governing board of the designated agency or organization. 2/

(2) The Powers of Governing Officials, Governing Boards, and Administering Boards

(a) The Powers of Governing Officials and Governing Boards.
Section 211(e) of the Act provides that:

"The powers of every community action agency governing board shall include the power to appoint persons to senior staff positions, to determine major personnel, fiscal, and program policies, to approve overall program plans and priorities, and to assure compliance with conditions of and approve proposals for financial assistance under this title."

Section 211(e) refers to governing boards of all CAAs which are not themselves States, political subdivisions, or agencies which are combinations of subdivisions. In such an agency, the governing board will exercise the powers listed below. However, if a State, a political subdivision, or an agency which is a combination of political subdivisions chooses to serve as the CAA in its own right, its governing officials will exercise the powers listed below unless they choose to delegate the powers in accordance with (b), below.

In connection with the community action program, the powers of governing boards or governing officials, as the case may be, must include the following:

- (i) Appointment of the staff director of the CAA. Note: If the power of formal appointment is given by law to other officials, the sole power to select the person to be appointed is sufficient.
- (ii) Determination, subject to OEO regulations and policies; of major personnel, fiscal, and program policies. Note: If State or local laws prescribe certain personnel policies or fiscal controls, or entrusts those policies

2/ A public or private non-profit CAA which is directly recognized by OEO, without prior State or local government designation (in accordance with Section 210(d)) must also have a representative governing board under Section 211. OEO will issue guidelines relating to Section 210(d) at a future date.

to specific officials or agencies (such as a civil service commission or comptroller) that is accepted provided that the policies and controls are consistent with OEO guidelines, such as those requiring preference for employment of the poor in nonprofessional jobs or employment of the elderly.

- (iii) Determination of overall program plans and priorities.
 - (iv) Final approval of all program proposals and budgets.
 - (v) Enforcement of compliance with all conditions of OEO grants.
 - (vi) Determination, subject to OEO regulations and policies, of rules of procedure for the governing board or governing officials.
 - (vii) Selection of the offices and executive committee (if any) of the governing board or governing officials.
- (b) Delegation of Governing Powers. The governing powers outlined in (a) shall not be subject to concurrence, veto, or modification by any other local official or authority, unless pursuant to a delegation of powers by the governing board or the governing officials themselves, as the case may be.

Where a CAA is a State, a political subdivision, or an agency which is a combination of subdivisions, the governing powers described in (a) may be delegated to the administering board and not to any other official or agency. The only exception to this limitation is that responsibility for programs within a specific neighborhood or area of the community may be delegated to an area policy board or council established in accordance with Section E.2 of this memorandum. Where powers are delegated to an area policy board or council, the governing officials should clearly define the relationships between themselves, the area board or council, and the administering board.

- (c) The Powers of Administering Boards. The administering board of a CAA which is a State, a political subdivision of a State, or an agency which is a combination of subdivisions shall have, as a minimum, the following powers:

- (i) All powers of the governing officials, as described in (a), which are not directly exercised by those officials or delegated to area policy boards.

(ii) The right to reasonable advance notice of, and an opportunity to make recommendations to the governing officials concerning the exercise of, all powers listed in (a) which those officials have not delegated to the administering board (for example, nominations for staff director of the CAA).

(iii) Supervision of the administration of all OEO policies and standards and of all program, administrative, and financial policies and rules adopted by the governing officials, including elaboration, supervision, and enforcement in the first instance, of all such policies and rules.

(iv) Selection of its own officers, executive committee (if any), and other committees, and (where approved by OEO and provided for in the budget) its own staff to assist in performing its functions.

In addition, Section 211(f) of the Act provides that each administering board shall:

"(1) have a full opportunity to participate in the development and implementation of all programs and projects designed to serve the poor or low-income areas with maximum feasible participation of residents of the areas and members of groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries;

.....

"(3) be so established and organized that the poor and residents of the area concerned will be enabled to influence the character of programs affecting their interests and regularly participate in the planning and implementation of those programs; and

"(4) be a continuing and effect
for securing broad commun
in the programs assisted

Implementation of Section 211(f) requires that each admi
be given advance notice and an opportunity to present
officials its views on all major decisions to be made
the community action program. Section 211(f) also rec
governing officials must consult with the administeri
means for increasing the participation (including emp
influence of the poor in all phases of the community

All proposals for financial assistance submitted to O
report of the administering board, including a summar
the projects and activities included in the proposal
questions decided by the governing officials since th
proposal. In addition, the administering board may
with OEO at any time concerning matters of current in

The administering board shall assist the governing o
effective procedures and arrangements enabling the p
concerned to influence the character of programs aff
providing for their regular participation in the imp
programs, and providing for technical and other supp
the poor and neighborhood groups to secure on their
assistance from public and private sources. The adr
the governing officials should also develop methods
community action program that provide an adequate op
poor and area residents to obtain information and to
private officials on programs and policies proposed
above are minimal requirements. It is expected tha
mandate in Section 211 (f), every CAA will establish
for involvement of the poor which may go well beyon

Governing officials are expected to provide initiat
support to measures designed to give meaning to Sec
their respective CAA's.

Flagrant violation of the above standards or consis
views of the administering board and other institut
poor within CAA's may result in partial or total lo
funding under Title II, or revocation of OEO recogn
Section 210(a) of the Act.

Every CAA which is a State, a political subdivision, or an agency which is a combination of subdivisions shall include in its application for recognition under CA Memo 80, as evidence of compliance with the requirements in this Memorandum, a Certification of Governing or Administering Board Composition (Draft Sample CAP Form 71) explaining clearly and in reasonable detail the means and procedures by which the CAA intends to give effect to Section 211 (f).

The requirements set forth above for implementing Section 211(f) are specifically applicable to administering boards established under the governing officials of a State, a political subdivision, or a combination of subdivisions which elects to serve as a CAA in its own right. Where a separate public or private nonprofit agency is designated, however, its governing board will also be expected to insure that the underlying policies of Section 211(f) are faithfully observed.

PART C. COMPOSITION OF GOVERNING AND ADMINISTERING BOARDS

The requirements for the composition and selection of governing and administering boards required under Section 211(a) of the Act are set forth in Section 211(b) of the Act:

"Each board to which this subsection applies shall consist of not more than fifty-one members and shall be so constituted that (1) one-third of the members of the board are public officials, including the chief elected official or officials or their representatives, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the board; (2) at least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the area served; and (3) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community. Each member of the board selected to represent a specific geographic area within a community must reside in the area he represents. No person selected under clause (2) or (3) of this subsection as a member of a board shall serve on such board for more than three consecutive years, or more than a total of six years."

The following sections of this part spell out the requirements of Section 211(b).

Existing CAAs should note that these requirements apply to present governing boards of those agencies and must be satisfied no later than July 1, 1968 if those agencies intend to operate after that date.

1. The Size of the Board

The principal representative board may not have more than 51 members. It should generally have fewer members, since Section 211(d)(2) requires that each CAA establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the board may petition for adequate representation (See Section 5, below). If a board already had 51 members, such representation could only be provided by the resignation of one or more of its current members so as to provide spaces for the new representatives.

representation of public officials and at-least-one-third representation of the poor discussed below. The membership of the board should also be divisible by 3 (e.g., 24, 27, 30, etc.), inasmuch as public officials or their representatives will be entitled to one-third of the seats on the board.

Existing CAA's which have more than 51 members on their representative boards should promptly take steps to reduce the board size.

2. Representation of Public Officials, Section 211(b)(1)

✓ One-third of the members of the governing or administering board shall be "public officials, including the chief elected official or officials, or their representatives, unless the number of such officials reasonably available or willing to serve is less than one-third of the membership of the board." Such members shall be designated by the governing officials of the political jurisdiction, unless they are chosen to represent independent public agencies; in that event those agencies should select their own representatives. In addition to the chief elected officials or their representatives, every effort should be made to include representation for public officials with responsibilities for programs that are directly involved in anti-poverty efforts, such as public school, welfare, health, housing and urban renewal, and employment service officials.

The term "public officials" includes those employees of agencies and members of boards established under State or local law who have the responsibility and authority to decide and carry out the policies of those agencies or boards. However, those public officials who are designated for representation on the governing or administering board of a CAA may, if they wish, choose permanent representatives to serve on the board in their place or in their absence. The representatives need not be public officials themselves so long as they are entitled to speak and act for the officials whom they represent in connection with the board's business.

If the chief elected officials of the political subdivisions or group of subdivisions are greater in number than one-third of the seats on the board, they shall decide how the available seats shall be allotted among them. A plan for equitable rotation of board seats may provide a sensible solution in such a case.

In connection with its annual proposal for refunding by OEO, each CAA shall advise the appropriate OEO regional or headquarters office if there is not currently a sufficient number of public officials within the community available or willing to serve on its principal representative board. If the chief elected public officials are currently unavailable or unwilling to serve, a reasonable number of positions on the board shall be left vacant for

at least one year to permit their membership on the board in the event that they change their minds.

3. Representation of the Poor. Section 211(b)(2)

At least one-third of the governing or administering board must be made up of democratically selected representatives of the poor, that is, the residents of the areas and members of the groups the community action program is intended to serve. The number of representatives of the poor may be in excess of one-third of the total board membership as long as the requirements of Sections 1, 2, and 5 of this Part are met.

The requirements under Clause (2) of Section 211(b) of the Act in large part the same as those set forth in Community Action No. 57. In existing CAAs previous selection procedures and criteria for representatives of the poor chosen under them will in all probability meet OEO standards under Clause (2). However, the 51-member limitation must also be observed.

Although representatives of the poor need not themselves be poor they must nonetheless be selected in a manner which insures that they truly represent the poor.

- (a) Area Representatives of the Poor - In cases where the community action program will be concerned primarily with compact geographic areas in which poverty is concentrated, such as neighborhoods or "target areas" of the community, the representatives of the poor shall be selected by the residents of those neighborhoods or areas. All residents of any such neighborhood or area may participate in the selection process but special emphasis and attention must be given to insure that those residents who are poor participate fully in the selection process.

The number of representatives to be selected from each area of concentration of poverty, in relation to the total number of representatives of the poor on the board, should be reasonably proportionate to the number of poor persons in that area compared to the number of poor persons in the community as a whole.

- (b) Non-area Representatives of the Poor - In some communities parts of communities it may not be feasible for some or all of the representatives of the poor to be selected on a neighborhood or target area basis (for example, in a rural community where poor persons are scattered throughout the entire area or in an urban community where there may be a neighborhood in

poverty is concentrated, but where poor people reside outside such neighborhoods). In such cases, representatives of the poor shall be selected only by the poor persons whom the community action program is intended to serve and who reside outside of areas where poverty is concentrated. The non-area representatives should themselves live outside of any target areas separately represented under (a). The number of such "non-area" representatives, in relation to the total number of representatives of the poor on the board, should also be reasonably proportionate to the number of poor persons living outside geographic areas in which poverty is concentrated as compared to the number of poor persons in the community as a whole.

(c) Selecting Representatives of the Poor - In the selection process, whether for area or non-area representatives of the poor, there should be maximum possible involvement of the low-income groups and individuals to be represented. Among the selection processes that may be utilized, either alone or in combination, are:

- (i) Nominations and elections, either within neighborhoods, or within the community as a whole.
- (ii) Selection at a meeting or conference to which all neighborhood residents, and especially those who are poor, are invited.
- (iii) Selection of representatives to a community-wide board by members of neighborhood or sub-area boards who are themselves selected by neighborhood or area residents.
- (iv) Selection, on a small area basis (such a city block), of representatives who in turn select members for a community-wide board.
- (v) Selection of representatives, either directly or for membership on a neighborhood board, by existing organizations whose membership is predominately composed of poor persons.

This list is not intended to limit the variety of selection processes that may be used. Any democratic selection process which insures maximum feasible participation of the poor is potentially acceptable. In all cases attention should be given to the fair representation of significant minority groups within the community.

4. Representation of Private Groups and Interests. Section 211(b)(3)

In accordance with Clause (3) of Section 211(b), the remainder of the board should consist of officials or members of business, industry,

labor, religious, welfare, education, significant minority groups and other major private groups and interests in the community.

These groups and interests should be selected in such a manner as to insure that the board is a continuing and effective mechanism for securing broad community involvement. Once the groups and interests to be represented have been selected, with OEO's concurrence, their respective representatives on the board shall be chosen by those groups and interests themselves.

Boards that are faced with the necessity of a reduction in size in order to comply with the 51 member limitation should insure that they do not eliminate groups that would narrow the range of community involvement and thereby subject the board to the possible loss of eligibility. In communities where the number of major groups and interests exceed the number of available seats on the board, a plan for periodic rotation of representation may be a sensible and equitable arrangement. However, OEO policies require that continuing opportunities be provided for the representation of significant minority groups on the board as a whole.

As part of their evidence of compliance with this Memorandum (See Part F), CAAs should outline their arrangements or plans for equitable representation of the various private groups and interests within their communities. Specifically, they should explain which groups and interests were considered for representation on the board, which ones will in fact be represented, and what considerations led to their selection. In any case where one of the groups or interests specifically mentioned in Clause 2 of Section 211(b) (business, industry, labor, religious, welfare, or education) or any significant minority group within the community will not be represented on the board, an explanation of that fact should also be provided.

OEO will review the arrangements or plans for private interest group representation and, in any case where it concludes that they are not equitable, OEO will advise the CAA of its reasons and outline the adjustments needed.

5. Petitions by Other Groups of the Poor or Community Agencies for Adequate Representation on the Governing or Administering Board

Section 211(d)(2) of the Act as amended in 1967, provides that the Director of OEO,

"...shall require community action agencies to establish procedures under which community agencies and representative groups of the poor which feel themselves inadequately represented on the community action board or governing board may petition for adequate representation."

This requirement parallels a provision which was in the 1966 Amendments to the Act (See paragraph A.2.d of Community Action Memorandum No. 57), except that it applies to administering as well as governing boards; it applies in favor of private community agencies as well as representative groups of the poor, such as minority groups, the elderly, and rural poor or migrants; and it is now subject to the 51-member limitation of board size. (See Section 1, above).

The by-laws or other rules of operation of every community action agency must include fair procedures for implementing Section 211(d) (2), and for adjusting and realigning board membership in any case where a petition is granted in order to maintain proper representation of public officials and the poor within the 51-member limitation. The procedures should provide a fair opportunity (including an informal open hearing) for the petitioning agency or group to present its case for more adequate representation and should also provide for a written statement of reasons supporting whatever action is taken on the petition. A copy of this statement should be submitted to the appropriate OEO regional or headquarters office promptly after a decision is made.

While the petition procedures should be fair and open, they may be designed to prevent plainly frivolous petitions. For example, they may include a requirement that petitions be supported by a reasonable number of signatures such as (50 or 100) of members of the petitioning group or agency.

6. Selection of Board Representatives vs. Formal Appointment

If a community action agency is a State, political subdivision, or a combination of subdivisions, or is a separate public agency, its governing laws may require that board members be appointed by particular public officials, such as the mayor or the council. The rules set forth in this part are not intended to modify those legal requirements, provided that the appointment of board members is treated as a formal step confirming the actual selection of the board members by those whom they will represent, in accordance with the standards set forth in the preceding sections of this part.

PART D. OTHER REQUIREMENTS FOR GOVERNING AND ADMINISTERING BOARDS

1. Requirements of Area Residence for Area Representatives

Under Section 211(b), as under prior law, every member of a governing or administering board who is selected to represent a specific geographic area within the community must reside in the area he represents.

This requirement applies to public officials (or their representatives) who are selected to represent specific political subdivisions, wards, or districts; to representatives of the poor who are selected to represent the poor within specific target areas or parts of the community which are outside of target areas; and to representatives of community groups or interests which are organized on a geographic basis, such as citizens' associations.

2. Limitations on the Terms of Board Members Other than Public Officials or their Representatives

Section 211(b) of the Act provides that members of the board, other than public officials or their representative shall not serve for more than 3 consecutive years or a total of 6 years. This applies to representatives of the poor and representatives of private groups and interests, selected under Sections C.3 or C.4 above. Periods of board service after July 1, 1968 will be counted against the 3-year and 6-year limitations.

*NOTIFY
CONCERNED PARTIES*

3. Quorum Requirements

In accordance with Section 211(d)(1) of the Act, the quorum requirement for meetings of a governing or administering board must be at least 50 percent of the total membership of the board.

4. Executive or Steering Committees

A governing or administering board may appoint an executive or steering committee to transact board business between meetings of the full board. In accordance with Section 211 of the Act, such a committee must fairly reflect the composition of the full board in terms of representation of public officials, the poor, and other groups and interests, as well as the various geographic areas of the community. The quorum requirement for such an executive committee must be at least 50 percent of the total membership of the committee.

5. Other Policy-Making Committees:

Other committees of the governing or administering board, however established, which have important policy-making or

advisory functions, shall fairly reflect the composition of the principal representative board and at least one-third of the members shall be representatives of the poor.

PART E. OTHER REPRESENTATIVE BOARDS AND COMMITTEES WITHIN COMMUNITY ACTION PROGRAMS

This part deals with representation on policy-making boards and committees within the community action program which are below the level of the principal representative boards. The policies described below carry out the specific provisions of Section 211(c) of the Act and the basic intent of other provisions in Title II of the Act.

1. Area Policy Boards and Councils

Section 211(c) of the Act provides that:

"Where a community action agency places responsibility for major policy determinations with respect to the character, funding, extent, and administration of and budgeting for programs to be carried on in a particular geographic area within the community in a subsidiary board, council, or similar agency, such board, council, or agency shall be broadly representative of such area, subject to regulations of the director which assure adequate opportunity for membership of elected public officials on such board, council, or agency. Each community action agency shall be encouraged to make use of neighborhood based organizations composed of residents of the area or members of the groups served to assist such agency in the planning, conduct, and evaluation of components of the community action program."

- 1) .
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- (a) The first sentence of Section 211(c) is not applicable to every community action agency or to every area board under a community action agency. It applies only in those cases where the agency chooses to delegate major responsibility for a spectrum of programs or an amount of funds to area councils and boards within certain parts of the community. This occurs most frequently in big cities and in multi-county or multi-subdivision community action agencies where, subject to basic budget allocations between different areas of the community and to certain community-wide rules and policies, boards or councils in different areas are empowered to determine:

- (i) What Title II Programs shall be operated in their areas;

- (ii) By what agencies or groups; and
- (iii) How the Title II funds allocated to the area shall be divided as between these programs.

Where they possess the power to make these decisions, area policy boards or councils serve, in effect, as sub-community action agencies. They may be subsidiary boards of the community action agency itself or they may be boards of separate neighborhood-based organizations such as corporations or neighborhood centers. In either event, the requirements of Section 211(c) are applicable.

- (b) Every area board or council which possesses the powers described in (a) must be broadly and fairly representative of the residents, the different neighborhoods, and the major groups within its area. At least a majority of its members must be representatives of the poor residing within the area, unless the area policy board or council serves an entire political subdivision; in the latter event, at least one third of its members must be representatives of the poor residing within that subdivision.

The area policy board must also provide adequate opportunity for membership on the board of the elected public officials who reside in or represent the area, in accordance with the following guidelines:

- (i) Where elections to the general local government or to any other relevant public agency (such as an independent school board or welfare board) are by districts - however denominated - each district shall elect one representative from any district which is wholly or predominately within the area shall be offered a seat on the area policy board.

If elections for the general government are at-large, the local government shall be invited to select one of its members to sit on the board.

- (ii) The number of public officials on the area policy board shall not in any case exceed one-third of the total membership of the board. In the event that the elected officials described in (i) exceed one-third, the governing officials of the political jurisdiction shall select those entitled to be members of the board.

Subject to the one-third limitation in (ii), provision may also be made for other elected public officials (such as State legislators whose districts include or substantially overlap the area), or for other relevant public officials. Major groups and interests within the area may also be permitted representation.

2. County Boards of Multi-County Community Action Agencies

Where a community action agency serves more than one county and each county establishes its own board for program activities within that county, at least one-third of the members of each county board must be democratically selected representatives of the poor residing within that county. In no event shall more than one-third of the total membership of the board consist of public officials. This requirement is applicable regardless of the powers and functions of the county board.

3. Neighborhood-Based Organizations

The second sentence of Section 211(c) of the Act contemplates that neighborhood-based organizations composed of residents of areas and members of groups served by a community action program will play an important role in assisting the community action agency to plan, conduct and evaluate components of the program.

OEO encourages community action agencies to make the fullest possible use of neighborhood-based organizations. While these "grass-root" organizations do not possess all of the powers of area policy boards (described in Section 1, above), they have a vital role to play in community action. Moreover, neighborhood-based organizations are as versatile as community action itself. For example, they are particularly appropriate organizations to operate neighborhood centers and activities related to those centers, either as delegate agencies or as divisions of the community action agency itself; similarly, they may conduct one or more other types of component projects within their own neighborhoods; they can serve as constructive monitoring and support groups for the local activities of community-wide projects; they may perform planning functions; and may be given the right to veto or modify proposed program activities within their own neighborhoods.

Apart from their versatility, neighborhood-based organizations provide a more direct voice and sense of participation for the poor. In all cases they should be composed predominately, if not entirely, of the neighborhood residents themselves.

One important measure of the success of community action agencies will be the extent to which they entrust genuine program and policy-making responsibility to neighborhood-based organizations and insure through those organizations that the poor are able to influence the character of their community action programs.

Additional guidance regarding resident participation will be contained in a separate memorandum, to be issued shortly.

4. Policy Advisory Committees for Particular Types of Projects

OEO guidelines for certain types of projects--such as Head Start and Neighborhood Health Services--require that every such project establish a policy advisory committee having specific powers and responsibilities. For example, each Head Start project must establish such a committee, at least 50% of whose members must be parents of current Head Start children. This committee must concur with any application for new OEO assistance, as well as in the selection of the project director.

The specific requirements for the composition, powers, and responsibilities of policy advisory committees required in Head Start and other types of projects are set forth in the guidelines for the particular project.

PART F. COMPLIANCE WITH THIS MEMORANDUM - TIMETABLE AND OTHER INFORMATION

1. Effective Date of Section 211 of the Act

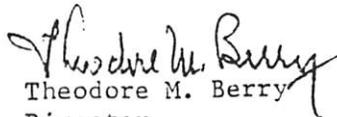
The new requirements in this memorandum based on Section 211 of the Act (see Parts B, C, and D, and Section E. 1) become effective July 1, 1968. Existing community action agencies which intend to operate after that date, as well as new community action agencies recognized by OEO pursuant to CA Memo 80, must be in compliance with those requirements as of July 1, 1968.

2. Timetable and Procedures for Compliance

- (a) In view of the July 1, 1968 deadline, existing community action agencies should promptly take any steps necessary to bring themselves into compliance with the new requirements in Parts B, C, and D and with Section E. 1 of this Memorandum.

On or before May 15, 1968, every existing community action agency which intends to operate after June 30, 1968 must submit a completed Certification of Administering or Governing Board Composition (Draft Sample CAP Form 71) showing that it will be in compliance with those requirements on or before July 1.

- (i) Every proposed community action agency which seeks or intends to seek OEO recognition after the effective date of this Memorandum must be able to demonstrate that it will be in compliance with all requirements in this Memorandum, if and when full recognition is granted by OEO. A completed form certifying such ability to comply (to be issued shortly) must be attached to every such application for recognition. See CA Memo 80, Part F.


Theodore M. Berry
Director
Community Action Program

APPENDIX B

SAMPLE FORMS FOR APPLICATION, DESIGNATION AND RECOGNITION OF A COMMUNITY ACTION AGENCY

This appendix contains samples of the forms that must be submitted to OEO by all community action agencies seeking recognition.

Two copies of each form, with the exception of Form 69, will be submitted to the appropriate OEO Regional or Headquarters Office at time of application. Only one copy of Form 69 is required.

Form 69, Statement of Intention to Designate a Community Action Agency, will be found inside the rear cover. Intentions to designate migrant programs or agencies in trust territories or Indian reservations should be mailed to OEO Headquarters, Washington, D.C. All others should be mailed to the appropriate OEO Regional Office, listed in Appendix C.

Form 71, Certification of Governing or Administering Composition, is a draft sample, subject to approval by the Budget Bureau and is not to be completed nor duplicated but only to be noted as a guide to information that will be required.

APPLICATION FOR RECOGNITION OF A COMMUNITY ACTION AGENCY

(See Community Action Memorandum No. 80, Part F, For Instructions)

Part A

1. Proposed Name of Community Action Agency: _____

2. Mailing Address (If Available): _____
_____ (Street)

_____ (City) _____ (Zip Code)

3. Person to Contact: _____ Tel. No: _____
_____ (Area Code/No.)

4. Name(s) of Political Jurisdiction(s) Designating the Community Action
Agency: _____

5. Is the designated CAA one currently approved by OEO? Yes _____ No _____

6. Is the designated CAA a State or Local Government, separate
public agency, a private non-profit agency, or tribal council.

7. Name(s) of the Community Action Agency which will be replaced by the
designated CAA: _____

8. Date Proposed for Activation of CAA: _____

9. Have all political jurisdictions within the area covered by the CAA
been given an opportunity to comment on, and have they responded to,
the proposal? Yes _____ No _____ (*)

(*) Explain on a separate sheet of paper

10. Public Hearing:

Date public notice of hearing was given: _____

Date public hearing was held: _____

Form in which notice of hearing was given: _____

Was existing CAA notified of hearing? Yes _____ No _____

Part B

The following attachments should be submitted with the application:

1. Material required for recognition of existing Community Action Agencies

(a) Designation by a Political Jurisdiction (CAP Form 70).

(b) Certification that interested members of the public were given an opportunity to express their views before designation.

(c) Notice to other subdivisions together with copies of their responses (CAP Form 74).

(d) Notice to the State. Together with its response.

(e) Evidence of compliance with Section 211 (Board Composition) requirements if not previously submitted to OEO (CAP Form 75).

(f) Map and completed CAP Form 5 (required only if area served has changed since last funding).

2. Material required for recognition of new Community Action Agencies:

(a) All of the material required in 1(a) through 1(e) above.

(b) Map and completed Community Information Form (CAP Form 5).

- (c) Assurance of Civil Rights compliance (CAP Form 11).
- (d) Attorney's Certification and governing legal documents.
- (e) Preliminary transition plan.

I certify that all the requirements of CAP Memo 80, Part F have been complied with and that this application contains all of the information and documents called for by those requirements. I further certify that the proposed Community Action Agency is able and willing to carry out the requirements of Section 201 of the Economic Opportunity Act and is willing to comply with present OEO policies, regulations, and procedures as well as with those that may subsequently be promulgated pursuant to law.

Name and Title of Official Submitting Application

Signature

Date

CERTIFICATION OF GOVERNING OR ADMINISTERING BOARD COMPOSITION

(See CA Memo 81, Part C)

Name of Community Action Agency _____

Address _____

A. This certification refers to

the Governing Board

the Administering Board

of the above named

existing Community Action Agency

proposed Community Action Agency

B. This Board will be in compliance with the requirements of Section 211 (b) of the Economic Opportunity Amendments of 1967

on July 1, 1968

upon provisional recognition by OEO

C. Compliance is based upon the following:

1. The total number of seats on the Board will be _____

2. The number of seats reserved for representatives of the poor will be _____

(a) Seats are reserved for representatives of the poor in the

following specified areas of the community:

No. of Seats

Area Represented

No. of Seats

Area Represented

(use additional sheet if necessary)

(b) _____ seats are reserved for representatives of the poor who reside outside of specified target areas.

3. The number of seats reserved for public officials or their representatives will be _____

(a) Seats are reserved for the following chief elected offi

Title

Public Jurisdiction

(use additional sheet if necessary)

(b) Seats are reserved for the following officials of separate public agencies:

Title

Agency

(use additional sheet if necessary)

4. _____ seats will be reserved for representatives of major organizations or interest groups, as follows:

<u>Title</u>	<u>Organization or Group</u>
--------------	------------------------------

Is:

(use additional sheet if necessary)

I hereby certify that I am 1/

Title _____

Agency or Jurisdiction _____

Signature _____

1/ Enter the title and name of agency or jurisdiction of the certifying official:

- (1) If the agency named at the top of this form is an existing CAA, the certifying official should be one of its governing officers or officials.
- (2) If the agency named is not yet in existence as a recognized CAA, the certifying official should be one of the governing officials or the chief legal officer of the designating State or local government, or an official of the proposed CAA.

NOTE: for new CAA's, the attorney or chief legal officer must also certify on CAP Form 72 that the laws and rules of the proposed CAA enable it to comply with the requirements of CA Memo 80 and CA Memo 81, and Title II of the Economic Opportunity Act, as amended in 1967.

OFFICE OF ECONOMIC OPPORTUNITY

Attorney's Certification

(In Connection with Application for Recognition
of a new Community Action Agency)

1. Formal name of proposed community action agency (called "the applicant" throughout this form) _____
2. Address of applicant _____
3. The applicant is (check one):
 - (a) State (or Territorial) government _____
 - (b) Political subdivision of the State _____
If so, specify type (county, city, town, etc.) _____
 - (c) An agency which is a combination of political subdivisions _____
If so, list all component subdivisions _____

 - (d) Other type of public agency _____
If so, specify what type and whether it derives its authority
from State (or Territorial) or local law _____

 - (e) Private nonprofit organization _____
If so, is it incorporated _____ or unincorporated _____
If incorporated, give date and State of incorporation
_____, _____
 - (f) Tribal council or government of a Federal Indian Reservation _____

(g) Other (specify) _____

4. If the applicant is a private nonprofit organization:

(a) Has it received a ruling from the U.S. Internal Revenue Service that it is tax-exempt and capable of receiving tax-deductible contributions? Yes _____ No _____

(b) If the answer to (a) is "Yes", give the date of the ruling _____

(c) If the answer to (a) is "No", has the applicant applied for such a ruling? Yes _____ No _____

If "Yes", give date of application _____

(d) If the answer to (a) is "No", in your opinion is the applicant entitled to such a ruling? Yes _____ No _____

(e) Is the applicant a political party or organization? Yes _____
No _____

5. (a) In your opinion, is the applicant subject to any legal limitations which might prevent, qualify, or restrict its ability to perform any of the powers and functions listed in the attached "Statement of Powers and Functions of a Community Action Agency?" Yes _____ No _____

(b) If your answer to (a) is "Yes", please attach a separate explanation, including a brief statement of legal authorities, for each separate point on which you base that answer. Please cite or quote any relevant laws, regulations, or decisions.

6. (a) In any other respect do you believe that applicable legal limitations would prevent the applicant from serving as a com

munity action agency in accordance with the provisions of Title II
of the Economic Opportunity Act? Yes _____ No _____

(b) If your answer to (a) is "Yes", please follow the instructions
in 5(b), above.

7. Please attach copies of the governing legal documents referred to in
the "Instructions to Certifying Attorneys."

Certification

I, _____, hereby certify that I am a duly
licensed member of the bar of _____, that
I am the attorney for the agency referred to above as the Applicant,
and that to the best of my information and belief the foregoing answers
and information are complete and correct.

Date _____

Signature

Name of Attorney

Address

Instructions to Certifying Attorney

This form is to be completed and signed by the attorney for a community action agency as part of an application to the Office of Economic Opportunity (OEO) for recognition of the community action agency under Title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C, 2781 et seq.). Instructions concerning the application requirements and procedures are contained in OEO's Community Action Memorandum No. 80, which contains (in Appendix A) the full text of Title II of the Economic Opportunity Act. The applicant agency should have a copy of that memorandum as well as Community Action Memorandum No. 81, referred to in paragraph 12 of the Statement of Powers and Functions.

Before completing this form, the certifying attorney should be familiar with the application which the certification supports, the provisions of Title II of the Act, and the attached "Statement of Powers and Functions of a Community Action Agency", which is excerpted from Memorandum No. 80. The statement lists a number of powers and functions which every community action agency must be able to exercise in order to obtain OEO recognition and assistance under Title II. Many of these are particularly important in the case of applicants which are State or local governments or public agencies subject to State or local legal requirements. Please note that Question 5 relates to this Statement and asks the certifying attorney to attach a brief explanation and statement of points and authorities in any case where he believes that the applicant's ability to exercise a power or function listed in the attached Statement is either doubtful, qualified, or limited as a matter of law.

Under Question 6 should be listed any other legal obstacles or limitations which may prevent the applicant from serving as a community action agency in accordance with Title II of the Act.

Question 7 calls for the attachment of legal documents which would specifically govern the applicant's operations as a community action agency. If the applicant is a State or local government it is not necessary to attach provisions of State law or the local government's charter unless particular provisions of these are relevant to any legal limitations identified in the attorney's certification. However, copies of any special laws, orders, or rules which will directly govern the operations or internal distribution of authority, in the case of a community action agency which is a State or local government or a separate public agency, should be included, together with any special charter or organic (establishing) law of a specially created public agency.

In the case of a private nonprofit organization, copies of the charter or articles of incorporation and the by-laws should be attached.

Statement of the
Powers and Functions of Community Action Agencies

Every community action agency must be able to plan, conduct, administer and evaluate a community action program for its community in accordance with the purpose and provisions of Title II of the Economic Opportunity Act and the guidelines issued by OEO pursuant to the Act. Outlined below are the powers and functions which each CAA should be able to exercise in order to fulfill this basic requirement.

1. Every community action program must either include or be designed to include a sufficient number of component projects or activities (such as those listed below) to provide, in sum, a range of services and activities having a measurable and potentially major impact on the causes of local poverty.

It is the responsibility of each community action agency to select the projects and activities to be included in its own program and to insure that they are carried out by the best qualified available public agency or private organizations. While the choice of projects and of arrangements for carrying them out is a basic responsibility of the community action agency itself, OEO must be assured that the range of choices will not be arbitrarily curtailed by limitations on the community action agency's legal powers. This means that the community action agency should be able either to (i) conduct directly, or (ii) contract with other agencies and organizations to conduct at least the following types of projects and activities:

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) Day care and preschool. | Also includes operation of health services physical facilities. |
| (b) Special, remedial and other non-curricular assistance to elementary and secondary school age children. Includes pre-college assistance. | (f) Emergency food and medical assistance to prevent starvation and counteract malnutrition. |
| (c) Literacy courses and other adult basic education. | (g) Family planning, including information and contraceptive materials and devices. This must be made available in a manner consistent with individual moral, philosophical and religious beliefs. |
| (d) Legal advice and representation. Includes a wide range of civil and administrative cases and specific criminal cases where other adequate representation cannot be found. | (h) Programs to provide service employment, and recreation for persons age 60 and over. Includes establishment of recreation and service centers run by the elderly themselves. |
| (e) Specialized and comprehensive neighborhood health services programs. Includes alcoholism programs. | |

- (i) Neighborhood centers controlled by neighborhood residents providing a variety of services and activities, including those described elsewhere in this listing, as determined by the residents.
- (j) Neighborhood organization and improvement programs.
- (k) Poor people's cooperatives. Includes credit unions and consumer cooperatives as well as usual types of producer, marketing and distributing cooperatives.
- (l) Consumer education.
- (m) Housing development and services organizations, including development of programs and services under other Federal housing legislation for needy tenants and home-owners but not including mortgage loans and long-term capital financing.
- (n) Employment and manpower training.
- (o) Youth employment and recreation.
- (p) Individual and family counseling and referral to other local services.
- (q) Cash grant and loan assistance to individuals and families to meet immediate needs.
- (r) Voter education. Does not include actual assistance in voting or registering to vote.
- (s) Assistance to small neighborhood businesses.
- (t) Agricultural assistance in rural areas.
- (u) Economic development activities.
- (v) Training and technical assistance to carry out any of the projects in (a) through (u).
- (w) Planning and development of any of the projects in (a) through (v).
- (x) Evaluation of any of the projects in (a) through (w).

2. In choosing the best qualified "delegate agencies" to conduct those projects and activities listed in #1 which it does not conduct itself, the community action agency must be able to contract with, and transfer funds to, any of the following, without limitation:

- (a) Private nonprofit organizations, including churches and church related organizations.
- (b) Other private organizations, including business firms.
- (c) The State government.
- (d) Political subdivisions which are included in the community served by the community action agency.
- (e) Other specialized State, regional, or local public agencies, such as welfare departments, public schools and school system and regional planning agencies.

3. The community action agency must be able to procure necessary program facilities, goods and services from the best available supplier.

4. The community action agency must be able to enforce its delegation agreements and procurement contracts by appropriate means, including:

- (a) Audit and disallowance of improper costs.
- (b) Suspension and termination of the contract.
- (c) Court action to require performance.
- (d) Court action to recover any funds spent or withheld in violation of a delegation agreement or damages for breach of contract.

5. The community action agency must be able to receive, hold, expend, transfer, and account for Federal and State assistance funds, including all types of assistance which are available under applicable Federal and State law to other similar public or private nonprofit agencies.

6. Since most Federal assistance under the Economic Opportunity Act is provided on a matching basis, the community action agency must be able to accept, use, and account for, contributions from non-Federal sources of:

- (a) Cash.
- (b) Space and physical plant facilities.
- (c) Goods, materials, and equipment.
- (d) Volunteer or paid services.

7. The community action agency must also be able to contribute its own property and funds, as necessary, to match Federal assistance.

8. To the extent that goods, equipment, or property are acquired for use in the community action program, the community action agency must be able to hold and dispose of them as directed by the United States in accordance with the conditions of Federal assistance.

9. In connection with the community action program, the community action agency must be free from any employment rules or restrictions which would prevent:

- (a) The hiring of any qualified poor person, in preference to other qualified persons who are not poor.
- (b) The hiring of any qualified person who lives in the neighborhood or area where the job is to be performed, in preference to other qualified persons who do not live there.
- (c) The employment of persons over the age of 55.
- (d) Restriction of non-professional jobs to particular types of persons because of their relationship to the program or its beneficiaries (for example, parents of pre-school children, manpower program trainees, the elderly, tenants of a particular project or block).
- (e) The hiring of any person who can perform a non-professional job, even though he lacks a formal education or a particular level of literacy.
- (f) The hiring of an otherwise qualified person solely because he has a criminal record, unless that record casts doubt on his ability to perform the particular job with integrity and without danger to the program participants.
- (g) The employment of persons without regard to their race, creed, color, or national origin.
- (h) The payment to program employees of the current Federal minimum wage for employment in interstate commerce (\$1.60 an hour as of February 1, 1968).

NOTE: If the personnel policies of the applicant agency are administered by a State or local Civil Service Commission, the applicant should have received a copy of CAP Form 73, completed by the appropriate civil service agency. That form should be reviewed before answering this question.

10. In connection with the community action program, including the types

of projects and activities listed in #1, the community action agency must also be free from any rules or restrictions which would prevent:

- (a) Restriction of program participation to persons who qualify under OEO income eligibility guidelines.
- (b) Restriction of program participation to persons who are residents of particular neighborhoods or areas.
- (c) Restriction of program participation to particular groups or classes of poor or low income persons in accordance with specific program guidelines, (for example, the elderly, members of specific neighborhood organizations or cooperatives, students in specific schools, alcoholics).
- (d) Free participation, by persons who are currently living in the community, without regard to their legal residence or length of residence.
- (e) Participation by all eligible persons without regard to race, creed, color, or national origin.

11. The governing laws, charter, or by-laws of the community action agency must not artificially restrict its ability to conduct the community action program within all political subdivisions included in the community, in accordance with the program and fiscal policies, plans, and priorities set by the community action agency. For example, if the community action agency is an agency which is a combination of two or more political subdivisions or is a public agency jointly formed or designated by two or more subdivisions, it must be able in appropriate cases to use contributions of funds, equipment, or services by one subdivision for approved projects in another subdivision.

12. The community action agency must be able to meet all applicable requirements of Community Action Memorandum No. 81, which deals with the powers, structure, composition and procedures of representative boards. It is especially important that the governing officials and chief legal officers of State and local governments carefully review those requirements before designating proposed community action agencies for recognition by OEO.

* * * * *

The preceding list of the powers and functions of community action agencies is not exhaustive. Every proposed applicant for recognition as a community action agency should familiarize itself with Title II of the Economic Opportunity Act and ascertain whether any other provisions of its governing laws or its charter and by-laws would prevent it from serving as a community action agency in accordance with that Title.

OFFICE OF ECONOMIC OPPORTUNITY
COMMUNITY ACTION PROGRAM

Application for Designation of Community Action Agency Under
Section 210(a) - Local Civil Service Agency's Certification

The _____ intends to apply
(formal name of proposed community action agency)
for recognition as a designated community action agency (CAA). Your
agency is one which administers employment rules, regulations, and
minimum qualification standards or other hiring restrictions which
may affect our ability and authority to comply with the Federal
statutory requirement involving the hiring of resident poor and
elderly for community action agency program components. Therefore,
it is requested that the following information and certification
be furnished:

1. To your knowledge, is the above named proposed community
action agency subject to any employment rules, regulations,
minimum qualification standards or other hiring and promo-
tion restrictions administered by any agency other than
yours? Yes _____ (If so, specify agency and extent of
jurisdiction as it imposes limitations on coverage of 2
below.) No _____.

2. To the extent modified by the limitations specified in
1 above, is the CAA subject to any employment rules,
regulations, minimum qualification standards, or other
hiring or promotion restrictions administered by your
agency which would:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (a) Prevent the hiring or advancement,
including advancement to a supervisory
position, of any person who can perform
a nonprofessional job, even though he
or she lacks formal education? | Yes _____* |
| | No _____ |
| (b) Prevent the hiring of an otherwise
qualified person solely because he
has a criminal record? | Yes _____* |
| | No _____ |
| (c) Prevent the hiring of qualified poor
persons in preference to other qualified
persons? | Yes _____* |
| | No _____ |

- (d) Prevent the hiring of qualified persons who live in the neighborhoods where the job is to be performed in preference to other qualified persons? Yes _____*
No _____
- (e) Prevent the hiring of qualified persons over age 55? Yes _____*
No _____
- (f) Prevent the payment of Federal minimum wage to any employee? Yes _____*
No _____
- (g) Prevent the giving of preference in nonprofessional jobs to the beneficiaries of the programs in which those jobs are to be performed (e.g., parents of pre-school children, manpower program trainees, the elderly, tenants of a particular project)? Yes _____*
No _____

*Wherever "Yes" blank is marked, attach on a separate sheet an explanation with a brief statement of justification for the limitations and/or the possibility of waiver or relaxation of such limitations. Letter the explanation the same as the question.

Certification

The _____ hereby certifies that the foregoing
(local civil service agency)
answers to question two are true and complete to the best of this agency's information and belief.

Signature

Name and Title of certifying official

Date

OFFICE OF ECONOMIC OPPORTUNITY

Notice to Political Subdivision of
Application for the Recognition of a Local
Community Action Agency under Section 210(a)
of the Economic Opportunity Act

To the _____ 1/ of _____ 2/:

Accompanying this notice is a summary of a proposed application to the U. S. Office of Economic Opportunity (OEO) for recognition of a community action agency under Section 210(a) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2781).

As proposed in the application, the community action agency would plan, conduct, administer, and evaluate (with OEO assistance) local anti-poverty programs for an area and population which includes your jurisdiction and its residents. The application will be submitted to OEO, together with any response which you make to this notice.

This notice is being sent to you in connection with Section 210(c) of the Economic Opportunity Act, which is quoted in full in the attached statement prepared by OEO. You should read the attached statement carefully before responding to this notice.

Please note that Section 210(e) refers to a decision of "the governing officials" of a political subdivision of a State, which OEO has interpreted to mean the members of the governing council or board plus the Mayor or other chief elected executives official of such a subdivision.

1/ Name (if known) and official title of the chairman or secretary of the government or of the governing board or council of the subdivision to which the notice is being sent (e.g., "Chairman of the Board of Supervisors" or "Secretary of the City Council").

2/ Insert formal name of subdivision and State or Territory in which it is located. (e.g., "Center County, Kansas," or "the City of Zenith, Minnesota").

The governing officials of your jurisdiction should promptly con- sider the attached summary and decide whether they do or do not wish included in the program of the proposed community action agency should notify the undersigned of their decision so that their r can be submitted to OEO together with the application. A copy response should also be sent to the proper OEO Office shown on attached list.

We would appreciate having your response within 30 days so that can be submitted to OEO together with the application.

The lack of any response will be treated as an acceptance of th application and agreement to be included in the proposed commur action program.

If you wish further information concerning the application which summarized in the attached, please contact the undersigned.

Date _____ 3/

/s/ _____
Signature

Name and title of
signing official

Telephone No.

Attachment

3/ Insert date notice is mailed to the addressee.

4/ To be signed by a responsible, authorized official of the referred to in footnote five.

5/ Insert name, address, and telephone number of either (a) t proposed community action agency, or (b) the State or poli subdivision, which is sending the notice.

OFFICE OF ECONOMIC OPPORTUNITY

Statement Regarding Section 210(e)
of the Economic Opportunity Act
(To Accompany CAP Form 74)

Under Section 210(a) of the Economic Opportunity Act, as amended in 1967, a State, a political subdivision of a State, or a combination of such subdivisions, may designate itself or a separate public agency or private nonprofit organization as a community action agency to receive assistance under Title II of the Act and to provide community action program anti-poverty benefits for its residents.

However, Section 210(a) of the Act provides that:

"No political subdivision of a State shall be included in the community action program of a community action agency designated under Section 210(a) if the elected or duly appointed governing officials of such political subdivision do not wish to be so included. Such political subdivision, and any public or private nonprofit organization or agency designated by it, shall be eligible for designation as a community action agency on the same basis as other political subdivisions and their designees."

In accordance with this provision, when a State or local government or a group of local governments designates a community action agency to serve an area, OEO requires that at least 45 days before application is made to OEO to recognize that agency, either the designating government or the proposed community action agency will notify every other political subdivision within the area to be served by the agency and will allow at least 30 days for each such subdivision to respond to the notice.

The governing officials of a subdivision receiving such a notice may agree to the inclusion in the community action program of the proposed community action agency or, under Section 210(e), they may elect not to be included. (A decision not to be included is referred to in OEO guidelines and in this statement as "opting out"). The lack of any response to such a notice within the 30 day period will be treated as acceptance of the designation and agreement to be included in the proposed community action program.

The summary of the application sent to the subdivision with a Section 210(e) notice provides information regarding the proposed community action agency. Further information can be obtained from the sender of the notice.

The possible consequences of "opting out" under Section 210(e) should be clearly understood by the governing officials of a political subdivision before they decide whether or not to do so. The following questions and answers may be helpful in that connection:

1. (Q) Will a subdivision which "opts out" be eligible to seek OEO recognition and assistance for its own community action agency?
1. (A) Only if the subdivision, either alone or in combination with other adjacent subdivisions, can meet one of the following community eligibility tests:
 - (a) A city of 250,000 people or more.
 - (b) A county or group of counties having 50,000 people or more.
 - (c) An area which is within one or more counties, has 50,000 people or more, and is predominantly rural.
 - (d) One or more State or Federal Indian reservations.
 - (e) An area which does not meet any of the tests, in (a), (b), (c), or (d) but is substantially the same as a community action agency funded by OEO and which has not rejected a reasonable opportunity to combine with adjacent areas that would enable the combined area to meet one of the tests in (a), (b), or (c).

These are minimum tests for community eligibility to have a community action agency. At present OEO's budget does not permit it to provide assistance to a community action agency within every eligible community in the United States. Therefore, eligibility does not necessarily mean OEO recognition and funding. In Fiscal Years 1968 and 1969 OEO will give first priority to assistance for those communities which previously have been served by community action programs. It will give second priority to funding, at meaningful levels, a few new programs which include one or more entire counties in rural areas.

2. (Q) What if the "opting out" subdivision does not want to designate its own community action agency even though it would be eligible to do so under 1(A)?
2. (A) Under a separate provision of Title II, OEO could, in its discretion, directly recognize a community action agency to serve a community which is eligible under 1 (A), above, even though there has been no prior local government designation of that agency. It might also extend assistance to specific limited-purpose projects. See 3(A) below.
3. (Q) What if the "opting out" subdivision is not eligible to designate its own community action agency under 1(A)?
3. (A) Even though a community does not meet the eligibility standards in 1(A), it will be eligible to receive limited purpose assistance for specific anti-poverty projects, (such as Head Start) under Title II. However, extension of such assistance will depend on the current availability of funds and the merit of specific proposals in comparison to other proposals for Title II assistance.
4. (Q) Where a subdivision "opts out" of a community previously served by a community action agency, what if the remaining part of the proposed community thereby becomes unable to meet the tests in 1(A), above?
4. (A) The remaining part will lose its eligibility to designate a community action agency, but not its eligibility to get limited purpose assistance in accordance with 3(A).
5. (Q) If one or more subdivisions "opts out" of a community previously served by a community action agency, how will the funds previously allocated to that agency be divided?
5. (A) There is no set formula. OEO will attempt to make an equitable allocation of the funds currently available for all parts of the community, taking into account all the circumstances, including the eligibility and relative merit of proposals to fund one or more community action agencies or limited purpose projects within the various parts of the community.

Further information on OEO guidelines for community action agencies and "opting out" can be obtained by contacting the appropriate OEO Office listed below in Appendix C.

Office of Economic Opportunity
APPLICATION FOR COMMUNITY ACTION PROGRAM

FORM APPROVED.
BUDGET BUREAU NO. 116-R019

CAP 5. COMMUNITY INFORMATION

NAME OF APPLICANT AGENCY

DO NOT FILL IN: (For Administrative Use)

5.1 COMMUNITY TO BE SERVED Describe community boundaries in terms of city(ies), county(ies), state(s), Indian reservation(s), etc., which are included. Attach a map showing the boundaries of the community.

5.2 COMMUNITY SUBDIVISIONS Have you divided the community into an area or areas with heavy concentration of poverty? If so, indicate such areas as "A", "B", "C", "D", etc. on the above specified map and state below the basis for deciding on the boundaries of such areas. For example, are the areas Census tracts, enumeration districts, school attendance districts, planning areas, etc.?

5.3 INCIDENCE OF POVERTY Provide the latest readily available information on the community with respect to as many of the following categories as feasible. If you have subdivided the community into areas, as described above, also provide the information for each area. Substitute or add other categories and related statistics as necessary to demonstrate the incidence of poverty.

Attach a statement describing the sources and time period of the information. Information obtained from the 1960 U. S. Census of Population and Housing may be noted by placing an asterisk (*) to the right of the ITEM name below. See the CAP GUIDE for suggested sources of information.

	ITEM	COMMUNITY TOTAL	AREA "A"	AREA "B"	AREA "C"
5.3.1 POP.	TOTAL POPULATION				
	PERCENT OF POPULATION LIVING IN RURAL AREAS	%	%	%	%
5.3.2 FAMILY INCOME	TOTAL NUMBER OF FAMILIES				
	TOTAL NUMBER OF FAMILIES WITH INCOME LESS THAN \$3,000				
	PERCENT OF ALL FAMILIES WITH INCOME LESS THAN \$3,000	%	%	%	%
	FAMILIES WITH INCOME LESS THAN \$1,000				
	FAMILIES WITH INCOME FROM \$1,000 - \$1,999				
	FAMILIES WITH INCOME FROM \$2,000 - \$2,999				
5.3.3 UNEMPLOYMENT	MALES 14 AND OVER IN CIVILIAN LABOR FORCE				
	PERCENT OF SUCH MALES WHO ARE UNEMPLOYED	%	%	%	%
	FEMALES 14 AND OVER IN CIVILIAN LABOR FORCE				
	PERCENT OF SUCH FEMALES WHO ARE UNEMPLOYED	%	%	%	%
5.3.4 WELFARE	PERSONS UNDER 21				
	PERCENT OF PERSONS UNDER 21 RECEIVING A.F.D.C. PAYMENTS	%	%	%	%
	PERSONS AGED 65 AND OVER				
	PERCENT OF PERSONS 65 AND OVER RECEIVING OLD-AGE ASSISTANCE	%	%	%	%

(Continued on Page 2 of this form.)

CAP 5. COMMUNITY INFORMATION (Continued)

NAME OF APPLICANT AGENCY		DO NOT FILL IN: (For Administrative Use)			
ITEM		COMMUNITY TOTAL	AREA "A"	AREA "B"	AREA "C"
5.3.5 EDUCATION	PERCENT OF PERSONS ENROLLED IN SCHOOL (14 and 15 years old)	%	%	%	
	PERCENT OF PERSONS ENROLLED IN SCHOOL (16 and 17 years old)	%	%	%	
	TOTAL NUMBER OF PERSONS 25 YEARS OLD AND OVER				
	PERSONS 25 AND OVER WITH LESS THAN 8 YEARS OF EDUCATION				
	PERCENT OF PERSONS 25 AND OVER WITH LESS THAN 8 YEARS OF EDUCATION	%	%	%	
5.3.6 SELECTIVE SERVICE	PERSONS AGED 18 TO 25 WHO WERE EXAMINED BY SELECTIVE SERVICE				
	PERSONS REJECTED BY SELECTIVE SERVICE (4F and 1Y)				
	PERCENT OF PERSONS EXAMINED WHO WERE REJECTED BY SELECTIVE SERVICE (4F and 1Y)	%	%	%	
5.3.7 HEALTH	BIRTHS PER YEAR				
	DEATHS PER YEAR OF INFANTS UNDER 12 MONTHS				
	INFANT DEATHS AS A PERCENT OF BIRTHS PER YEAR	%	%	%	
5.3.8 HOUSING	ALL HOUSING UNITS				
	NUMBER OF HOUSING UNITS WHICH ARE SUBSTANDARD				
	PERCENT OF ALL HOUSING UNITS WHICH ARE SUBSTANDARD	%	%	%	
5.3.9 MINORITY GROUPS	(Specify group and number of persons in each.)				
5.3.10 OTHER	(Specify category and number of persons in each.)				

Instruction

Community to be served. For requirements concerning communities, see discussion on designation and recognition of Community Action Agencies in Organizing Communities for Action under the 1967 Amendments to the Economic Opportunity Act.

Community Subdivisions. Applicants are not required to subdivide the community into "target" areas with a high concentration of poverty; however, where it is anticipated that efforts will be concentrated in such areas, they should be identified on this form and information provided on their characteristics.

Incidence of Poverty. Attach a description of the sources used to obtain all information provided in item 5.3, including an indication of the source for the community as a whole and also for sub-areas, where the sources are different (for example, when sub-area data is estimated). The most useful general source for obtaining information on the incidence of poverty is the U.S. Census of Population, 1960, and the U.S. Census of Housing, 1960. Descriptions of the complete publication program for these censuses can be obtained free of charge from the U.S. Bureau of the Census, Washington, D.C. 20233, or from any U.S. Department of Commerce field office. Certain census information can be obtained as noted below. Suggested sources for other items for which census data is not available are also listed.

Population. Total population from the 1960 census is available for each state from U.S. Census Bureau Report PC(1)-A, Tables 5-12. These tables provide total population for communities ranging from Standard Metropolitan Statistical Areas (SMSAs) down to minor civil subdivisions. Percentage of population living in rural areas is available for counties and SMSAs. Total population only is available on a census tract basis in 180 urban areas in the PHC(1) series.

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5.3.2

Family Income. Census Report PC(1)-C is the basic source for 1959 family income. The following tables are pertinent:

- (a) Table 76 provides data for SMSAs, urbanized areas, and urban places of 10,000 or more;
- (b) Table 78 provides the same information as Table 76, but for the non-white portion of the population (if the non-white population is 1,000 or more persons);
- (c) Table 81 provides family income data for urban places of 2,500 to 10,000 persons;
- (d) Table 86 provides this data on a county basis;
- (e) Table 91 provides family income data for the rural population of a county.

Family income data is also available on census tract basis in 180 urban areas in Table P-1 of the PHC(1) series.

5.3.3

Unemployment. Census Report PC(1)-C is the basic source for unemployment information from the 1960 census. The following tables are pertinent:

- (a) Table 73 provides data for SMSAs, urbanized areas, and urban places of 10,000 or more;
- (b) Table 77 provides the same data for the non-white population of the same communities;
- (c) Table 81 provides unemployment data for urban places of 2,500 to 10,000 persons;
- (d) Table 83 provides this data on a county basis;
- (e) Table 91 provides data on the rural population within each county.

Unemployment information on a census tract basis for the 180 urban areas which have been tracted can be obtained from Table of Census Report PHC(1).

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Welfare. Information on the total number of persons under 21 years of age and the total number 65 years of age and over as of the time of the 1960 census can be obtained from the following tables of Census Report PC(1)-B for each State:

- (a) Table 20 for SMSAs, urbanized areas, and urban places of 10,000 or more;
- (b) Table 22 for persons 65 and over in urban places of 2,500 to 10,000 population (under 21 is not derivable);
- (c) Table 26 for persons 65 and over in minor civil subdivisions (under 21 is not derivable);
- (d) Table 27 for counties.

Information on the number of persons receiving Aid to Families of Dependent Children (AFDC) or Old Age Assistance (OAA) payments should be obtainable from the local Welfare Department.

Where a state has an age limit for eligibility for AFDC payments other than 21 this fact should be noted and all statistics provided on the appropriate age basis.

Education. Information on educational attainment as of 1960 can be derived from Census Report PC(1)-C for each state. The following tables are pertinent for determining the percentage of persons aged 14-15 and 16-17 who are enrolled in school:

- (a) Table 73 for SMSAs, urbanized areas, and urban places of 10,000 or more;
- (b) Table 83 for counties.

The following tables are pertinent for determining the total number of persons aged 25 and over, and the percentage of such persons with less than 8 years of education:

- (a) Table 73 for SMSA's urbanized areas, and urban places of 10,000 or more;
- (b) Table 81 for urban places of 2,500 to 10,000 population;
- (c) Table 83 for counties;
- (d) Table 91 for the rural population within counties.

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Education Continued

In addition, for the 180 tracted urban areas, this information is available by census tracts in Table P-1 of Census Report PHC(1).

Local school boards and state education agencies are often sources of more up-to-date information on educational attainment levels and drop-out rates.

5.3.6

Selective Service. Information on the number of Selective Service registrants who have been examined and the number rejected by Selective Service (4F and 1Y categories) should be available from local Selective Service boards. In some instances, it may be necessary to get the approval of the State Selective Service Director in order to obtain release of this information.

5.3.7

Health. State and local health departments are the best source of vital statistics such as the number of births and infant mortality levels.

5.3.8

Housing. The 1960 Census is the most widely available source of information about substandard housing. For purposes of this application form, substandard housing shall be defined as all units which are classified in census data as lacking hot water or other plumbing facilities (whether classified as structurally sound or deteriorating) or are classified as dilapidated; data is also in:

- (a) Census Report HC(3) which includes housing data by blocks for each city or urban place which had a population of 50,000 or more in 1950, and for 172 other places which have reimbursed the Census Bureau so that they could be included in the block program;
- (b) Census Report PHC(1) which provides data on the 180 tracted areas;
- (c) Census Report PHC(1) which provides data as follows:
 - (1) Table 12 for SMSAs and their constituent counties and places of 50,000 inhabitants or more;
 - (2) Table 18 for places of 25,000 to 50,000 inhabitants;

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Instruction

Housing Continued

- (3) Table 22 for places of 10,000 to 25,000 inhabitants;
- (4) Table 25 for places of 2,500 to 10,000 inhabitants;
- (5) Table 28 for counties outside SMSAs;
- (6) Table 31 for rural non-farm housing by county;
- (7) Table 33 for rural farm housing by counties.

.3.9

Minority Groups. Information on minority groups can be obtained from the 1960 Census as follows:

- (a) Table 21 in Census Report PC(1)-B provides data for SMSAs, urbanized areas, and urban areas of 10,000 or more;
- (b) Table 28 provides the same information on a county basis;
- (c) Table P-1 in Census Report PHC(1) presents information by census tract for tracted communities.

.3.10

Other Information. The applicant should provide such other information as is available and believed pertinent in describing the incidence of poverty in the community. In addition to the sources noted above, useful information can often be obtained from city and county planning commissions, area redevelopment or economic development agencies, health and welfare councils, housing and urban renewal agencies, chambers of commerce, central labor union councils, and minority group organizations.

In many communities, useful studies have been prepared in connection with other Federal aid programs. Especially valuable in this regard are community planning studies prepared under the Housing and Home Finance Agency's Section 701 Urban Planning Assistance Program, the HHFA-administered Workable Program for Community Improvement, the Area Redevelopment Administration's Overall Economic Development Program (OEDP), and the Department of Agriculture's Rural Area Development (RAD) program.

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Other Information Continued

Among other measures of poverty which may be considered, in addition to those cited on CAP Form 5, are: the proportion of low-income families with children; underemployment as well as persistent unemployment; persons receiving assistance from private voluntary organizations; migrant or transient low-income families; incidence of disease or disability; adequacy of community facilities and services and the incidence of crime and juvenile delinquency.

OFFICE OF ECONOMIC OPPORTUNITY
Community Action Program

**Assurance of Compliance with the Office of
Economic Opportunity's Regulations under
Title VI of the Civil Rights Act of 1964**

(hereinafter called the "Applicant")

(Name of Applicant or Delegate Agency)

AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P. L. 88-352) and the Regulations of the Office of Economic Opportunity issued pursuant to that title (45 C.F.R. Part 1010), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance either directly or indirectly from the Office of Economic Opportunity; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant either directly or indirectly by the Office of Economic Opportunity, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it either directly or indirectly by the Office of Economic Opportunity.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Office of Economic Opportunity, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignee, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____

(Name of Applicant or Delegate Agency)

By _____
(President, Chairman of Board, or
comparable authorized official)

(Mailing address)

OEO REGIONAL OFFICES AND JURISDICTIONS

Requests for information and forms should be addressed to the OEO Regional Office in your region. In most cases, the questions will be answered by the Community Action Program Regional Administrator. When the issues are primarily legal, the Regional Counsel should be consulted. Regional office addresses, telephone numbers and states covered, and the names of the respective CAP Administrators and Regional Counsels are listed below.

<u>REGIONS</u>	<u>STATES COVERED</u>	
<u>REGION I</u>		
OEO Northeast Region 72 West 45th Street New York, N.Y. 10036	Connecticut Maine Mass. N. Hampshire	New Jersey New York Vermont Rhode Island
CAP Administrator - Frank Ferro Regional Counsel - Robert Lehrman Telephone - (212) 573-6413		
<hr/>		
<u>REGION II</u>		
OEO Mid-Atlantic Region 1832 M Street, N.W. Washington, D.C. 20506	Delaware D.C. Kentucky Maryland	North Carolina Pennsylvania Virginia West Virginia
CAP Administrator - David Weinman(Actg.) Regional Counsel - Leslie A. Minkus Telephone - (202) 382-6383		
<hr/>		
<u>REGION III</u>		
OEO Southeast Region 730 Peachtree Street, N.E. Atlanta, Georgia 30308	Alabama Florida Georgia	Mississippi South Carolina Tennessee
CAP Administrator - John Dean Regional Counsel - Alfonso McGhee Telephone - (404) 526-3337		

REGIONS

STATES COVERED

REGION IV

OEO Great Lakes Region
623 South Wabash Avenue
Chicago, Illinois 60605

Illinois
Indiana
Michigan
Minnesota
Ohio
Wisconsin

CAP Administrator - Lynn Kirk
Regional Counsel - Eugene Ring
Telephone - (312) 353-5786

REGION V

OEO Southwest Region
Lowich Building
314 West 11th Street
Austin, Texas 78701

Arkansas
Louisiana
New Mexico
Oklahoma
Texas

CAP Administrator - Fred Baldwin
Regional Counsel - Frank Moffitt
Telephone - (512) - 476-6530

REGION VI

OEO North Central Region
911 Walnut Street
Kansas City, Missouri 64106

Colorado
Idaho
Iowa
Kansas
Missouri
Montana
Nebraska
North Dakota
South Dakota
Utah
Wyoming

CAP Administrator - Wyane Thomas
Regional Counsel - To be Appointed
Telephone - (816) 374-2206

REGION VII

OEO Western Region
100 McAllister Street
San Francisco, California 94102

Alaska
Arizona
California
Hawaii
Nevada
Oregon
Washington

CAP Administrator - Carl W. Shaw
Regional Counsel - Alan Marer
Telephone - (415) 556-7716

Special Field Programs
Office of Economic Opportunity
1200 19th Street, N.W.
Washington, D.C. 20506

Director - Noel Klores
Migrant Division - Ruth Graves
Indian Division - James G. Wilson
Commonwealth, Territories - Gary Weissman