

O-2014-016

CITY OF ALBUQUERQUE  
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

*JKZ* 6/19/14

SUBJECT: Transmittal of Legislation

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Transmitted herewith is Bill No. O-14-16 Adopting An Early Head Start Program Governance Ordinance, Creating An Early Head Start Program Governance Advisory Committee, And Providing For Reports To The City Council (Garduño), which was passed at the Special Council meeting of June 9, 2014, by a vote of 8 FOR AND 0 AGAINST.

Excused: Lewis

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh  
Attachment

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**CITY of ALBUQUERQUE  
TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. O-14-16 ENACTMENT NO. 0-2014-016

SPONSORED BY: Rey Garduño

1 ORDINANCE  
2 ADOPTING AN EARLY HEAD START PROGRAM GOVERNANCE ORDINANCE,  
3 CREATING AN EARLY HEAD START PROGRAM GOVERNANCE ADVISORY  
4 COMMITTEE, AND PROVIDING FOR REPORTS TO THE CITY COUNCIL.  
5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
6 ALBUQUERQUE:

7 Section 1. SHORT TITLE.  
8 This ordinance may be cited as the “Early Head Start Program Governance  
9 Act”.

10 Section 2. FINDINGS.

11 (A) The City of Albuquerque has a long term grant from the U.S.  
12 Department of Health and Human Services that provides funds for the Early  
13 Head Start Program (Program);

14 (B) The Program is an innovative early intervention program that  
15 provides a range of comprehensive services to promote optimal child  
16 development;

17 (C) The Council finds that good governance for the Program is critical to  
18 maintaining valuable program services, as well as being critical to adhering to  
19 U.S Department of Health and Human Services regulatory requirements;

20 (D) The Council finds that governance over the range of activities is  
21 complex and good governance needs to provide regular and frequent  
22 direction and oversight;

23 (E) The Council finds that the Program would be best served by an Early  
24 Head Start Program Governance Advisory Committee (Committee) that will  
25 fulfill a range of federally-mandated governance functions. The City Council  
26 shall maintain its general governing authority, as well as its legal and fiscal

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1 responsibilities in administering and overseeing the Program, including the  
2 safeguarding of federal funds as required by the Head Start Act.

3 Section 3. DEFINITIONS. For the purpose of this chapter, the following  
4 definitions shall apply unless the context clearly indicates or requires a  
5 different meaning.

6 *Committee.* The Early Head Start Program Governance Advisory  
7 Committee.

8 *Early Head Start Program.* A program that provides low-income pregnant  
9 women and families with children from birth to age 3 with family-centered  
10 services that facilitate child development, support parental roles, and promote  
11 self-sufficiency.

12 *Family.* For the purposes of the Program, all persons:

13 (i) Living in the same household who are:

14 (A) Supported by the income of the parent(s) or guardian(s) of the child  
15 enrolling or participating in the program; or

16 (B) Related to the child by blood, marriage, or adoption; or

17 (C) Related to the child enrolling or participating in the program as  
18 parents or siblings, by blood, marriage, or adoption.

19 *Guardian.* A person legally responsible for a child.

20 *Head Start Act.* The Federal Head Start Act 42 U.S.C. 9801 *et seq.*, its  
21 subsequent amendments and successor provisions

22 *Head Start Regulations.* The Federal regulations contained in the Code of  
23 Federal Regulations at 45 C.F.R. 1301 *et seq.*, its subsequent amendments and  
24 successor provisions.

25 *Health.* Medical, dental, and mental well-being.

26 *Independent auditor.* An individual accountant or an accounting firm,  
27 public or private agency, association, corporation, or partnership, that is  
28 sufficiently independent of the agency being audited to render objective and  
29 unbiased opinions, conclusions, and judgments.

30 *Policy Council.* The formal group of parents and community  
31 representatives required to be established by the agency to assist in decisions  
32 about the planning and operation of the program.

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1       **Program attendance.** The actual presence and participation in the program  
2 of a child enrolled in an Early Head Start or Head Start program.

3       **Secretary.** The Secretary of the U.S. Department of Health and Human  
4 Services or the Secretary’s designee.

5       **Staff.** Paid adults who have responsibilities related to children and their  
6 families who are enrolled in Early Head Start or Head Start programs.

7       **Section 4. EARLY HEAD START PROGRAM GOVERNANCE ADVISORY**  
8 **COMMITTEE CREATED – MEMBERSHIP**

9       **(A)** The “Early Head Start Program Governance Advisory Committee” is  
10 created. The Committee shall consist of seven (7) members appointed by the  
11 Mayor with the advice and consent of the Council.

12       (1) One member must have fiscal/accounting background and expertise.

13       (2) One member must have early childhood education and development  
14 background.

15       (3) One member must be a licensed attorney.

16       (4) The remaining members must reflect the community served and  
17 include parents of children who are, or were formerly, enrolled in Head Start  
18 Programs.

19       **(B)** Members shall serve three (3) year terms. However, of the  
20 Committee members first named upon committee formation, three members  
21 will have terms ending July 1, 2014, two members will have terms ending July  
22 1, 2015 and two will have terms ending July 2016. A member shall not serve  
23 more than three (3) consecutive terms.

24       **(C)** The Committee shall meet at the call of the chairperson but not less  
25 than once per month.

26       **(D)** The Committee is administratively attached to the Department of  
27 Family and Community Services, and staff for the Committee shall be provided  
28 by the Department.

29       **(E)** The Committee shall develop bylaws that will be provided to each  
30 member and will include at a minimum:

31       (1) Qualification of members;

32       (2) Delineation of the roles and responsibilities of members;

33       (3) Establishment of a functional committee structure;

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- 1 (4) Policies on committee attendance and conflict of interest;
- 2 (5) An annual calendar of activity; and
- 3 (6) Such rules and regulations for its conduct as may be deemed
- 4 necessary.

5 Rules of committee procedures.

6 Section 5. ORGANIZATION.

7 (A) Officers.

8 (1) The minimum number of officers of the Committee shall be not less  
9 than two officers (such as the Chairperson and Vice-Chairperson), plus such  
10 other officers as the Committee may deem necessary.

11 (2) All officers shall be elected by the members for a term of one year,  
12 and no officer shall serve more than two consecutive terms.

13 (B) Meetings.

14 (1) All meetings of the Committee shall be open to the public and  
15 insofar as possible shall be held at a facility owned either by the city or the  
16 county.

17 (2) Reasonable notice shall be given to the public prior to any meeting  
18 of the Committee. At least once a year, the Committee shall determine what is  
19 reasonable notice to the public of its meetings; provided that in no event shall  
20 notice be less than the notice required for Council meetings.

21 (3) Minutes shall be kept of each meeting and filed with the City Clerk.

22 (4) A majority of all the members of the Committee shall constitute a  
23 quorum for the transaction of business. A motion shall carry upon the  
24 alternative vote of the majority of the members present at any meeting.

25 Section 6. DUTIES, RESPONSIBILITIES AND POWERS.

26 The duties, responsibilities and powers of the Committee shall be as follows:

27 (A) Oversee the development and implementation of Early Head Start  
28 Programs goals, objectives and policies.

29 (B) Oversee organizational performance and monitor and evaluate  
30 metrics of major programs, services, and initiatives.

31 (C) Provide strategic direction to Early Head Start Programs and develop  
32 a strategic plan that includes an organization vision, short-term and long term  
33 goals and operational and fiscal objectives.

- 1 (D) Work with the Program staff to establish procedures and criteria for
- 2 recruiting, selecting and enrolling children.
- 3 (E) Develop procedures for selecting Policy Council members.
- 4 (F) Review applications for funding and amendments to applications for
- 5 funding.
- 6 (G) Review the major financial expenditures and the operating budget of
- 7 the Program prior to the Program's submittal of the budget to City Council.
- 8 (H) Be responsible for all aspects of the independent financial audits of
- 9 the Program, including review of the draft findings and monitoring any
- 10 necessary programmatic actions or changes arising from the audit.

11 Section 7. REPORTS BY THE COMMITTEE

12 (A) On a quarterly basis, the Committee shall provide the Mayor and the

13 City Council with a report with Program information summaries, including

14 enrollment and attendance reports, and financial information, including

15 subsidies to the Program from other federal and state and local government

16 sources.

17 (B) In conjunction with the Program and Program staff, publish an

18 annual report made available to the public that discloses information from the

19 most recently concluded fiscal year. The report shall contain

- 20 (1) The total amount of public and private funds received and the
- 21 amount from each source;
- 22 (2) An explanation of budgetary expenditures and proposed budget for
- 23 the fiscal year;
- 24 (3) The total number of children and families served, the average
- 25 monthly enrollment (as a percentage of funded enrollment) and the percentage
- 26 of eligible children served;
- 27 (4) The results of the most recent review by the Secretary and the
- 28 financial audit;
- 29 (5) The percentage of enrolled children that received medical and dental
- 30 exams;
- 31 (6) Information about family engagement activities;
- 32 (7) The efforts of the Program to prepare children for kindergarten; and,
- 33 (8) Any other information that is required by the Secretary.

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1 Section 8. TRAINING AND TECHNICAL ASSISTANCE. The Committee  
2 will receive effective and ongoing training and technical assistance to ensure  
3 that they understand the information they receive and are able to provide  
4 effective oversight of, make appropriate decisions for, and participate in the  
5 functions of the Program.

6 Section 9. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
7 clause, word or phrase of this ordinance is for any reason held to be invalid or  
8 unenforceable by any court of competent jurisdiction, such decision shall not  
9 affect the validity of the remaining provisions of this ordinance. The Council  
10 hereby declares that it would have passed this ordinance and each section,  
11 paragraph, sentence, clause, word or phrase thereof irrespective of any  
12 provision being declared unconstitutional or otherwise invalid.


13 Section 10. COMPILATION. Sections 3 through 8 of this ordinance shall  
14 be incorporated in and made part of the Revised Ordinances of Albuquerque,  
15 New Mexico, 1994.

16 Section 11. EFFECTIVE DATE. This ordinance shall take effect five days  
17 after publication by title and general summary.

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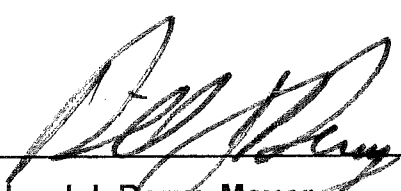
1 PASSED AND ADOPTED THIS 9<sup>th</sup> DAY OF June, 2014  
2 BY A VOTE OF: 8 FOR 0 AGAINST.

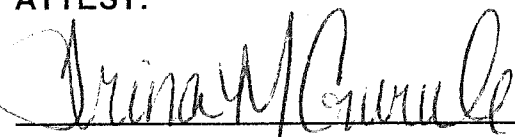
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4 Excused: Lewis

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9 Ken Sanchez, President  
10 City Council

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13 APPROVED THIS 27<sup>th</sup> DAY OF June, 2014

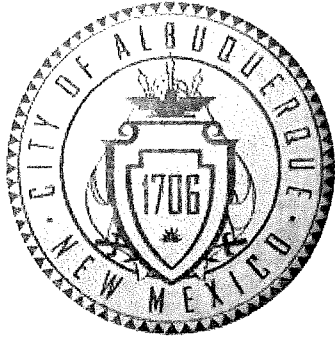
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16 Bill No. O-14-16

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21 Richard J. Berry, Mayor  
22 City of Albuquerque

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26 ATTEST:  
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29 Trina M. Gurule, Acting City Clerk

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Mayor Richard J. Berry

# CITY OF ALBUQUERQUE

## Albuquerque, New Mexico

### Office of the Mayor

#### INTER-OFFICE MEMORANDUM

Date: April 11, 2014

**TO:** Ken Sanchez, President, City Council

**FROM:** Richard J. Berry, Mayor

**SUBJECT:** Ordinance Adopting an Early Head Start Program Governance


The Department of Family and Community Services, Office of Child Development, Division of Early Head Start requests the establishment of an *Ordinance Adopting an Early Head Start Program Governance* through creation of a sub-governing board by the City Council. The establishment of this sub-governing body is consistent and allowable under federal Early Start guidelines. This sub-committee will enable the City of Albuquerque Early Start program to address program governance issues found in the 2013 federal review. Attached is the draft language which is recommended for approval and meets the criteria for statute and provides administrative policies for the selection of members.

This action does not remove administrative authority from the City of Albuquerque and has been drafted, reviewed and approved by the City of Albuquerque legal department. Additionally, the draft language has been approved by the Administration for Children and Families Office of Head Start.

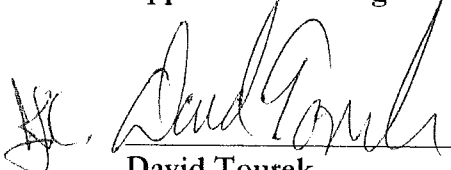
This ordinance is forwarded to the Council for consideration and action.

Legislation Title: Ordinance Adopting an Early Head Start Program Governance

Recommended:

  
\_\_\_\_\_  
Robert J. Perry                      5/7/14  
Chief Administrative Officer                      Date

Approved as to Legal Form:

  
\_\_\_\_\_  
David Tourek                      5/2/14  
City Attorney                      Date

Recommended:

  
\_\_\_\_\_  
Douglas H. Chaplin, Director                      4/21/14  
Dept. of Family & Community Services                      Date

## **Cover Analysis**

1. **What is it?** Ordinance Adopting an Early Head Start Program Governance. The attached City of Albuquerque City Council statute will establish a sub governing body to administer the federal Administration for Children and Families Office of Head Start Early Head Start Grant.
  
2. **What will this piece of legislation do?** Establish a sub governing body to administer and provide oversight to the federal Administration for Children and Families Office of Head Start Early Head Start Grant. Set administrative guidelines and process for selection of governing body membership in accordance with federal guidelines and allowable by federal regulations.
  
3. **Why is the project needed?** Statue is needed to create a sub governing body to administer the federal Early Head Start Grant and address compliance issues efficiently.
  
4. **How much will it cost and what is the funding source.** There is no fiscal impact.
  
5. **Is there a revenue source associated with this contract? If so, what level of income is projected?** For year 2013-2014 funding level is \$2,661,617.
  
6. **What will happen if this project is not approved?** The City of Albuquerque Early Head Start program funding may be jeopardized given recent audit findings for program governance.
  
7. **Is this service already provided by another entity?** No, the City of Albuquerque administers the Early Head Start program for 208 program participants based upon federal eligibility guidelines.

# Health City Sun

## AFFIDAVIT OF PUBLICATION

State of New Mexico        )  
   ) ss  
 County of Bernalillo        )

**David Rivord**, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

Affiant further states that this newspaper is duly qualified to publish Legal Notices or advertisements within the meaning of Section 14-11-4 of the New Mexico Statutes annotated (1978).

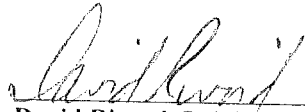
Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 4th day of July, 2014, and the last publication being in the issue of the 4th day of July, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

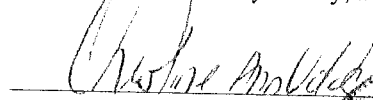
**CITY of ALBUQUERQUE  
 TWENTY-FIRST COUNCIL  
 COUNCIL BILL NO. O-14-16  
 ENACTMENT NO. O-2014-016  
 SPONSORED BY:     Rey**

**Garduño  
 ORDINANCE**

ADOPTING AN EARLY  
 HEAD START PROGRAM  
 GOVERNANCE ORDINANCE,  
 CREATING AN EARLY  
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 HCS Pub. July 4, 2014

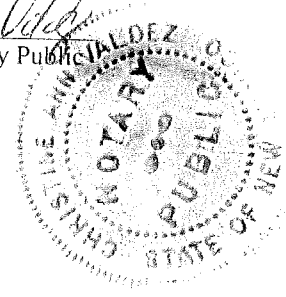
  
 \_\_\_\_\_  
**David Rivord, Publisher**

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 4<sup>th</sup> day of July, 2014.

  
 \_\_\_\_\_  
 Notary Public

My Commission Expires

*3-11-2017*



# Health City Sun

## AFFIDAVIT OF PUBLICATION

State of New Mexico     )  
  ) ss  
County of Bernalillo    )

CIUDAD de ALBUQUERQUE  
VIGÉSIMO PRIMER CONCEJO  
PROYECTO DE LEY  
MUNICIPAL NÚM. O-14-16  
PROMULGACIÓN NÚM. O-  
2014-016  
PATROCINADO POR:  
Rey Garduño  
ORDENANZA

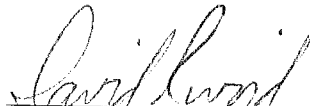
PARA ADOPTAR UNA  
ORDENANZA DE GOBIERNO  
PARA EL PROGRAMA EARLY  
HEAD START, CON EL FIN DE  
CREAR UN COMITÉ ASESOR  
DE GOBIERNO PARA EL  
PROGRAMA EARLY HEAD  
START Y PROPORCIONAR  
INFORMES PARA EL  
CONCEJO MUNICIPAL.  
ASÍ LO RESUELVE EL  
CONCEJO, ÓRGANO  
GOBERNANTE DE LA  
CIUDAD DE ALBUQUERQUE:  
HCS Pub. July 4, 2014

David Rivord, being duly sworn declares and says he is the **Publisher** of the Health City Sun, a weekly newspaper published and having a general paid circulation in the State of New Mexico; that the said Health City Sun was entered in the post office at Albuquerque as second class mail matter on September 5, 1930, and has met all requirements of a legal newspaper under the laws of the State of New Mexico.

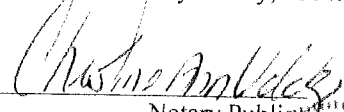
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Affiant further states that the publication, a copy of which is hereto attached, was published in said paper in the regular and entire issue of each number of the paper, during the period and time of publication, and that the notice was published in the newspaper proper and not in a supplement thereof for 1 week, the first publication being in the issue of the 4th day of July, 2014, and the last publication being in the issue of the 4th day of July, 2014.

Affiant further states that the costs of publishing said legal notice have been paid, or have been assessed as court costs in the case numbered.

  
\_\_\_\_\_  
David Rivord, Publisher

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 4<sup>th</sup> day of July, 2014.

  
\_\_\_\_\_  
Notary Public

My Commission Expires 3-11-2017

