

State of Louisiana

PARISH COUNCIL ON AGING

BOARD MEMBER MANUAL



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PREFACE

Many people seem surprised when they hear about the increase in the number of older adults in the United States. This increase is occurring worldwide. The ratio of older people to the general population will continue to increase. In 1900, people over age 60 comprised only 6.4% of our population and those over 65, 10.8%.

The older population will continue to grow in the future. This growth will slow somewhat during the 1900's, because of the small relatively small number of babies born during the Great Depression of the 1930's. The most rapid increase is expected to occur between the years 2010 and 2030 when the "baby boom" generation reaches age 65. By 2030, there will be about 70 million older people, more than twice their number in 1990. People age 65 and older are projected to represent 13% of the population in the year 2000, but will represent 20% by 2030.

The Office of Elderly Affairs is the focal point on aging for the State of Louisiana. Our mission is to advocate for the older population by identifying and utilizing all available resources on their behalf. The staff provides administrative and technical support to individuals and organizations interested in serving the elderly. Working with other state and local agencies and organizations, such as the parish councils on aging, we promote personal independence in older adults.

Your role as a council on aging board member is vital. In your position, you have the opportunity to effect change with a broader range of influence. Your work in your own community can encourage others and set a positive example for others. Although it is difficult to effect great change working alone, one voice can be heard. It is with great pleasure that we welcome you into a growing circle of individuals concerned and committed to improving the lives of older people.

INTRODUCTION

The Governor's Office of Elderly Affairs (GOEA) has received many questions regarding the organization and functioning of Parish Council on Aging (COA) boards of directors. This manual attempts to answer those questions by providing a uniform approach to board administration.

Louisiana citizens began to form Councils on Aging in 1964. Today there is one in every parish. A COA is a voluntary assembly of local people who associate for the good of the elderly in the parish. The citizens who make up the COA come from all walks of life. They may be young or old, rich or poor. Their common bond is a commitment to meeting the special challenges which face their community's elders.

Councils on Aging are non-profit corporations, established by state law. The COA have been entrusted with a mission -- to make their communities responsive to the needs and interests of the elderly. A COA carries out its mission by providing good management, planning, organization, and control; operating as a team; and presenting itself to the community as an effective and useful force.

COA provide the means for the elderly to retain their dignity, remain independent, and continue being productive members of society. COA activities are as varied as the talents and capabilities of the elderly they strive to serve. Hot nutritious noon meals at home or in congregate settings, transportation, homemaker, and recreation are just a few of the kinds of services that the COA provides.

The COA is governed by boards of directors made up of individuals who are volunteers with knowledge, skills and expertise in a wide variety of areas and who provide the leadership under which a COA serves Louisiana's elderly. A board which members are well informed, know and accept the purpose of the organization and their individual responsibilities, follow parliamentary procedure and express themselves without prejudice, can collectively set good policies and make well-founded decisions.

The foundation of a committed, knowledgeable and effective board is orientation

and education. As an essential companion to orientation and education, every organization should have a thorough, easy to use manual that board members can use throughout their terms. A board manual serves two functions. For the new board member, it is an orientation handbook that provides useful information about the organization, board structure and operations, fellow board members and staff. For the remainder of the member's board tenure, the manual can be an indispensable working tool. Materials can be added and removed to maintain an up-to-date reference.

The objectives of this manual are:

- " to clearly describe the role and responsibility of the board of directors;
- " to clarify the relationship between board members and agency staff;
- " to illustrate the reasons committees are important to the board;
- " to show why a year-round leadership development effort is important to the long-term effectiveness of the board; and
- " to list the factors that are essential to productive meetings of the board and its committees.

This manual is intended to be a resource that board members can use to answer questions that may arise in dealing with roles and functions of the boards.

We strongly recommend that the COA board adopt the "Board Member's Code of Ethics" on the following page.

BOARD MEMBER BOARD OF ETHICS

As a member of this board I will:

- § represent the interests of all people served by this organization;
- § not use the organization or my service on this board for my own personal advantage or for the individual advantage of my friends or supporters;
- § keep confidential information confidential;
- § approach all board issues with an open mind, prepared to make the best decision for the whole organization;
- § do nothing to violate the trust of those who elected me to the board or of those we serve;
- § focus my efforts on the mission of the organization and not on my personal goals; and
- § never exercise authority as a board member except when acting in a meeting with the full board or as I am delegated by the board.

Signature

Date

LEGAL AUTHORITY OF COUNCILS ON AGING

A. AUTHORIZATION

Chapter 16 of Title 46 of the Louisiana Revised Statutes (R.S. 46:1601 et seq.) Provides for the establishment of parish voluntary councils on aging.

B. CHARTER

Charters of the establishment of councils on aging are issued by the Secretary of State upon the recommendation of GOEA.

C. AUTHORITY TO RECEIVE PUBLIC FUNDS

Immediately upon issuance of the charter by the secretary of state, the COA is authorized to receive public funds from any governmental or political subdivision. Such funds are subject to audit by the legislative auditor or his duly authorized representative.

D. LOCAL COUNCILS SUBJECT TO GOEA'S POLICIES AND REGULATIONS

The functions of each COA shall comply with the objectives of state laws and shall be governed by the policies and regulations established by GOEA and upon review and recommendation of the Louisiana Executive Board of Aging as provided in R.S. 46:934. Copies of such polices and recommendations shall be furnished to each COA by GOEA prior to their effective date.

E. REVOCATION OR SURRENDER OF CHARTERS

GOEA, with the approval of the governor, and upon review and recommendation of the Louisiana Executive Board on Aging, may revoke the charter of any COA for noncompliance with the provisions of R.S. 46:1601 et seq. or the policies, regulations, or amendments thereto established by GOEA. Any COA may be dissolved and surrender its charter upon a decision to do so reached by a majority vote of the total membership. Upon revocation or surrender of the charter, a COA shall cease to function under the provisions of R.S. 46:1601 et seq.

FUNCTIONS OF THE COUNCIL ON AGING

The functions of a parish council on aging are:

- A. to collect facts and statistics and make special studies of conditions pertaining to the employment, financial status, recreation, social adjustment, mental and physical or other conditions affecting the welfare of the aging people in the parish;
- B. to keep abreast of the latest developments in these fields of activity throughout the state and nation;
- C. to interpret its findings to the citizens of the parish;
- D. to provide for a mutual exchange of ideas and information on the parish and state level;
- E. to conduct public meetings to make recommendations for needed improvements and additional resources;
- F. to promote the welfare of aging people when requested to do so;
- G. to coordinate and monitor the services of other local agencies serving the aging people of the parish;
- H. to assist and cooperate with the Office of Elderly Affairs;
- I. to make recommendations relevant to the planning and delivery of services to the elderly of the parish;
- J. to provide services to the elderly of the parish.

FUNCTIONS OF THE BOARD OF DIRECTORS

The board of directors sets organization policy and establishes procedures; hires and dismisses the agency director; receives recommendations of staff, committees and/or advisory groups; determines programmatic services and policies; approves plans, grant applications, and budgets; secures funding, establishes fiscal policies and conducts monitoring and assessment activities to determine the accomplishments of the organization. The board also serves as an advocate for its membership and carries on an active public relations program.

The board is responsible for the management and direction of the COA. Rules governing voting and procedures for the election of members and officers should be stated in the bylaws (Appendix A). GOEA Technical Assistance Memorandum 84-3 (Appendix B) provides guidance regarding credentialing of the general membership and stresses the importance of developing standards of membership. Board members are elected by the general membership. Bylaws should include a mechanism to identify and verify membership.

Only by receiving a thorough briefing and/or training will board members become proficient in their functions:

1. RECORD KEEPING AND REPORTING

Often overlooked, but a basic duty of the board, is the full and accurate accounting of the board procedures. Minutes of all meetings along with the agenda for each should be kept in one book by either the Secretary of the board or the agency director. The board is responsible for maintenance of the fiscal records of the COA; it must be sure that clear, accurate accounting records are readily available at all times. It is the role of the board (most particularly, its officers), through the Treasurer, to require periodic reporting of expenditures and inventories; to establish accountability and maintain internal controls; to approve all budgets; to request audits; and, generally, to maintain stewardship over all monies, property and facilities entrusted to the organization. For details concerning financial reports required by GOEA, refer to the State Policy Manual, Appendix of Accounting Procedures.

2. LEGAL

The list of both federal and state laws and regulations that affect the operation of a COA may seem endless, but legal requirements regarding these must be addressed by the board. Particular attention should be focused on the following laws which apply to all public agencies and must be adhered to by all council on aging agencies.

- a. Internal Revenue Code of 1954, as amended, and as applied to non-profit organizations
- b. Equal Employment Opportunity Act
- c. Fair Employment Practices Act
- d. Fair Labor Standards Act
- e. Civil Rights Act
- f. American with Disabilities Act
- g. Open Meeting Law (applicable to COA's as quasi-public bodies)

The board must be aware of contract and tort law, as well. The board should seek legal advice from its own attorney when necessary and inform its members on the status of the COA.

3. ATTENDANCE AT MEETINGS

Meeting attendance and participation are perhaps the most basic board responsibilities.

Individual board members should attend board meeting and actively participate. This includes serving as officers and committee members. Official board business can only take place at meetings; so in order to remain active, members must attend.

To truly help the people served by the organization, board members must be familiar with the meeting process, be able to make good motions, and know parliamentary procedure. See Appendix C, "Your Rights Under the Open Meetings Law."

4. PERSONNEL

The board is responsible for selecting an executive director who, in turn, is responsible for employing paid staff needed to ensure efficient operation of the agency. Clearly stated personnel policies and procedures must be developed which include written job descriptions; salary ranges of agency positions; and employee benefits, such as health insurance and Workers Compensation. A free and open exchange of information should be maintained between the board and staff. Channels of communication, while essentially between board chairperson and the executive director, should be clearly defined to direct the flow of advice and reports between committees and staff involved in specific programs and/or projects. Lines of responsibility and authority must be delineated and observed at all times. The board does not duplicate the efforts of the staff in the day-to-day operation of the organization. It is the ultimate planning and policy decision-making body of the organization.

5. WORKING TOGETHER

The quality of teamwork between the chairperson (board of directors) and the executive director is a major factor in determining the direction in which the agency will move. If the team's ideas are creative and meet identified needs, the organization will move forward with community support. On the other hand, if the board of directors loses interest or provides only token support, saying, "Let the director take care of things," the organization will become dormant; and as time passes, its influence and effectiveness will wane. There is a definite need for the chairperson of the board of directors and the executive director of the agency to understand their responsibilities. Working together, they can form an effective management team that will enhance the productivity of the board and the staff (volunteer and paid).

SELECTING BOARD MEMBERS

The work of selecting board members requires a great deal of thought, planning, effort, and tact. The Board Development Committee, assisted by the executive director, should develop a documented plan which evaluates the present board's capabilities and provides answers to these questions:

1. Where are we going? What are the goals and objective for the next two or three years?
2. How are we going to get there? What are the major action steps in our plan that will help obtain the goals and objectives?
3. Who is going to help us get there? Who has the skills, strengths and influence to help us obtain the goals and objectives?

The "Who" is the focus of **STRENGTHENING** the board.

With the answers to these questions, the Board Development Committee can determine the qualifications of the present board and proceed to identify members of the organization who can fill the upcoming vacancies with the qualifications and/or talents needed to maintain or re-establish a balance on the board.

All persons nominated for the board of directors must be member of the COA. The Board Development Committee should meet to review the candidates recommended by its members. Only when a consensus is reached by the committee should candidates be interviewed and then only with their complete acceptance and interest should they be nominated. Those persons nominated by the committee are then presented to the general membership to be voted upon at the annual meeting. Other nominations may come from the floor.

It is usually more advantageous for the Board Development Committee to function year round rather than only shortly before the election.

BOARD MEMBERS'S JOB DESCRIPTION

A. RESPONSIBILITIES

1. To participate in the normal collective responsibilities of a governing body;
2. To attend regular and special board meetings;
3. To serve on at least one committee of the board;
4. To lend one's particular expertise and experience to the organization;
5. To maintain an awareness of trends in the field of voluntary; and
6. To act as liaison with the public by interpreting the COA's programs to the citizens and informing the board of need in the community.

B. QUALIFICATIONS

All board members should be chosen based upon their individual and demonstrated leadership qualities, interest in the aging and perceived potential to be a constructive contributor to the goals and objectives of the agency. Desirable characteristics include:

1. Knowledge of human problems in urban and rural areas and available community services;
2. Expertise in legal affairs, personnel management, financial management, financial management, planning health delivery systems, consumerism;
3. Influence in the community; and
4. Influence in other related organizations.

RELATIONSHIP WITH THE EXECUTIVE DIRECTOR

1. The chairperson and the executive director are the key links to the management team. A mutual respect and understanding of respective roles are necessary ingredients to building a cooperative relationship between the chairperson and the executive director. The relationship should be characterized by mutual trust and complete openness. This requires:

- a. A belief that each will act responsibly and in the interest of the organization; and
- b. Sharing of relevant information, feelings, criticism, and points of view.

2. The board chairman and executive director must accept the fact that they are interdependent and that each needs the other's experience, abilities, and commitment in order for the COA to meet its goals of providing services for the elderly.

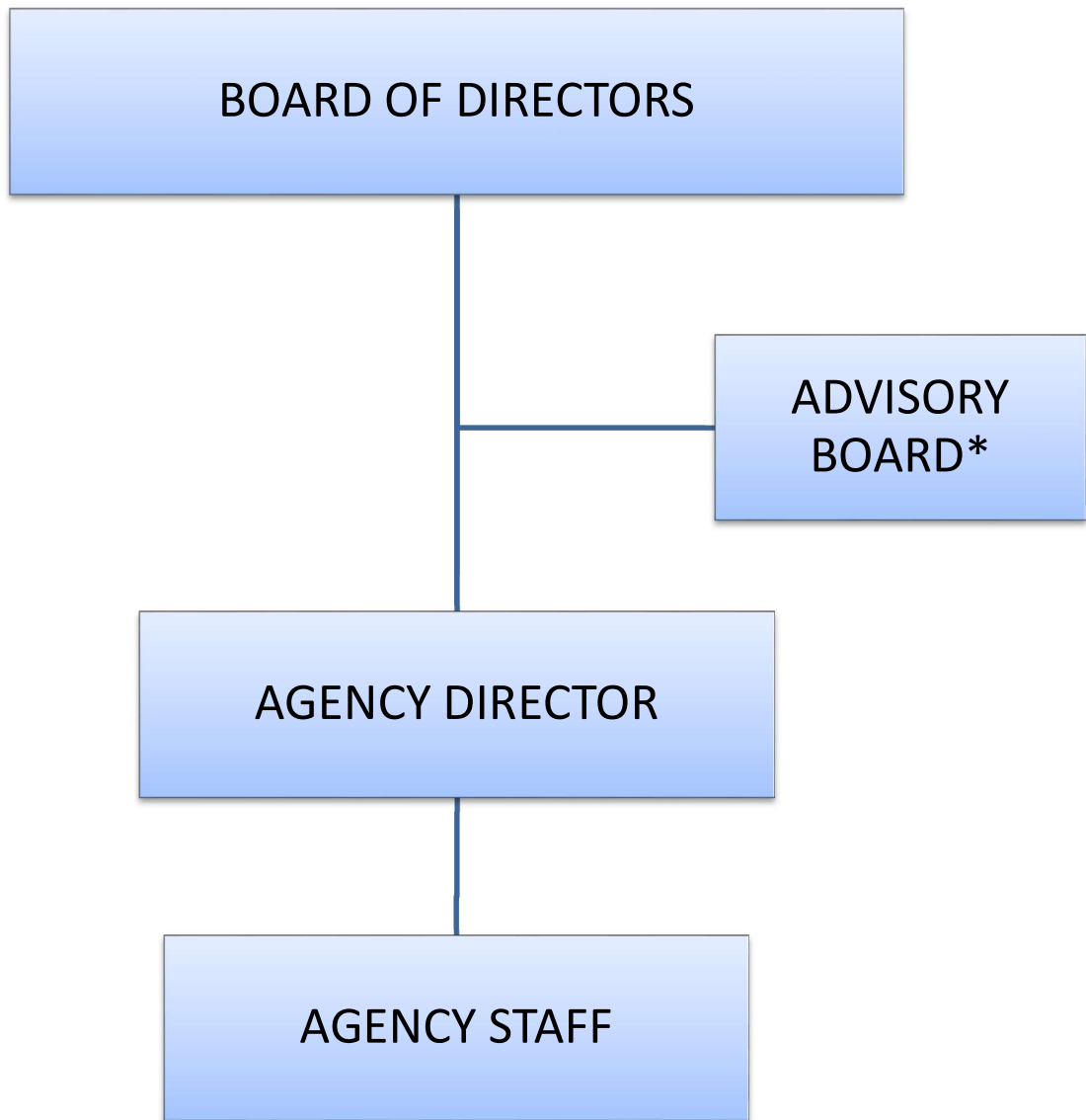
3. The responsibility for developing an effective team rests equally with the board chairperson and the executive director. To accomplish this both must:

- a. recognize the reason for working together -- a goal on which both agree;
- b. appreciate their interdependence (each needs the other's experience, abilities, and commitment to achieve the goal of the organization); and
- c. be committed to the idea that working together in partnership leads to more effective decisions and actions than working in isolation.

SEPARATION OF RESPONSIBILITIES

BOARD	STAFF
Makes final policy decisions.	<p>Helps board make good decisions based upon complete and accurate information.</p> <p>Carries out the work authorized by policy.</p> <p>Makes day -to- day decisions.</p>
Insures financial support for the agency's work.	Manages the fiscal affairs of the agency.
Shares expertise in a variety of technical and leadership areas.	Is educated and experienced in professional skills needed by the agency.
Is available to staff for consultation on matters of common concern.	Consults with professionals in order to make wise decisions.
Evaluates the work of the organization.	Assists in evaluating the work of the agency.

COA ORGANIZATIONAL CHART



*Councils on Aging that are designated Area Agencies on Aging are required to have Advisory Boards. Other Council on Aging may choose to have an Advisory Board. This should be set forth in the bylaws.

AGENCY MANAGEMENT

A. REPORTING PROCEDURES

1. Budgets

The board is responsible for reviewing and approving all budgets of the COA. The funding agency reviews and approves the budget. The budgeted amounts must coincide with the contract.

2. Financial Reports

COA's prepare monthly financial reports for each contracted program. Additionally, other financial statements are available for board review through the executive director. These reports can include balance sheets, Statement of Revenues and Expenditures, Budget to Actual Comparison, bank reconciliations, etc.

B. BOOKKEEPING AND ACCOUNTING

GOEA has published and adopted a policy and accounting manual for use by local agencies administering aging programs. The manual is updated from time to time. The manual is a guide and contain rules for such things such as where funds can be spent, which funds can be moved between programs, capital spending reporting, etc.

C. CONTRACTS MANAGEMENT

1. COA's may have various contracts for supplies and/or services. After receiving a list of contracts from the executive director detailing the terms of the contracts vendors, services provided, dollar amount, length of contract and expiration date), new board members will have the information necessary to ask intelligent questions such as: "Are services being provided as specified?" "Are we paying the correct amounts?" and, if not, "Are we making preparations to renew this contract or find other vendors?"
2. Only the board can legally enter into a contract for the organization. The board must authorize, through a resolution, an individual to sign the contract on behalf of the organization. The individual may be a board member or the

executive director. The resolution may be specific for one contract or may include all contracts for a specified time.

D. ANNUAL AUDIT

1. Audits

Each agency must have an annual financial audit performed by an independent Certified Public Accountant (CPA). The CPA firm conducting the audit should be selected by the board of directors or a committee, and must report all findings and recommendations to the board of directors.

GOEA will conduct a compliance and internal control audit every year. These are sent to the executive director and board chairperson with instructions to the executive director to copy for each board member. The executive director is always asked to respond to any recommendations in writing to both the CPA's audit and the GOEA audit.

The auditor of both audits will also conduct an exit interview. The purpose of the exit interview is to review the findings of the auditor and any recommendations he/she plans to make. There are often minor items which need the executive director's attention, but may not be included in the written audit report.

The auditor will generally establish a date and time for the interview with the executive director. The auditor will ask the director to invite board members and appropriate staff members. These exit interviews can be very informative to board member; therefore, board members may want to advise the executive director to invite them to all such meetings.

2. Final Financial Reports

Adjustments required by the CPA audit must be posted in order to produce final financial reports. The final reports provide excellent historical financial information because they are taken from the agency's official records.

FINANCIAL MANAGEMENT

A. ANNUAL APPROPRIATIONS

GOEA uses a special formula to calculate the amount of federal and state match each AAA will receive. A SCHEDULE OF FUNDING is sent to each AAA in February or March of each year. This becomes the basis of the financial part of the contract between GOEA and the AAA.

COA's that are in multi-parish planning and service areas (PSA's) will receive a schedule of funding from the AAA.

All COA's receive contracts from GOEA for their parish council on aging discretionary funds (PCOA funds). Additionally, some parishes receive special state funding from one or more of the following sources (state meals, state home-delivered meals, state transportation, state homemaker, senior center, and supplemental senior center). This funding may be included in the contract with the AAA, or may be contracted directly with the COA.

B. OTHER FUNDS

COA's may also receive:

1. revenue from the city and/or parish in which they are located; grants or contracts through state or federal agencies;
2. solicited contributions from local business and individuals; and
3. income generated by the programs. Agencies are encouraged to solicit donated funds from business and individuals as much as possible and to look for innovative ways to make money. Uses of these funds are controlled by the COA's agreements with the various organizations.

C. FUND RAISING

1. Each member must understand the needs of the organization, and the amount and kind of donations needed to meet the goals of the organization.
2. Each member must realize that without the board's financial support and endorsement for the fund development activities, no large endorsement

will be generated.

3. Each member should recommend corporations, individuals and foundations that could render financial assistance for different fund raising activities held by the organization.
4. Each member must accompany the fund raising staff, when requested, on solicitation visits alone.
5. Each member must be prepared to assist with all fund-raising activities.
6. Each board member must assure that all funds raised by the organization are spent as stated in the fund raising fact sheets.

D. FINANCING OF THE ORGANIZATION

No board can set policy and make plans for the future without assessing the need for financing. If necessary, members may be called upon to personally contribute their influence and resources in order to ensure that the organization has enough money to carry out its policy directives.

As “trustees” of the organization’s funds, board members are responsible for ensuring that their organization has adequate finances and that money is responsibly spent. This does not mean individual members need to approve every expenditure. It means members should know the money was spent effectively to deliver the kind of programs and services the board has authorized. This can be done by financial and performance audits, not by personally examining how every penny was spent.

E. INSURANCE REQUIREMENTS

1. COA’s shall maintain the following minimum insurance coverage:
 - a. FICA on all salaried employees
 - b. Workers Compensation
 - c. Fidelity bonding

d. Comprehensive general liability

e. Property

2. Two things to look for in your Directors and Officers Insurance:

- a. Does it pay legal fees up front? Some policies only reimburse legal expenses after everything is said and done. This can obviously put a strain on the budget, when shopping for a policy; make sure it pays before the trial.
- b. Does it cover everything that needs to be covered? Some policies cover only board members, not the organization itself. Other policies exclude employment-related personnel issues, which account for 70% to 90% of lawsuits. Be careful to read the fine print.

3. Liability of the Board

The Public Management Institute in San Francisco has developed the following list of actions whereby board members can protect themselves from personal liability:

- a. Exercise reasonable diligence and care of the affairs of the corporation.
- b. Act in good faith in “the business judgments” and board members will be allowed to make mistakes of poor judgment.
- c. Gross negligence or self-dealing will make board members personally liable if the corporation sustains loss or injury.
- d. Oppose any board action that cannot be supported and be sure the opposition is in the written minutes.
- e. Place reasonable reliance on the information and reports of others, but exercise prudence and good judgment.
- f. Attend all board meetings and committee meetings -- show a valid reason for absence.

- g. Be thoroughly acquainted with the bylaws.
- h. Keep informed of the program activities.
- i. Ensure that the statutory or technical requirements are fulfilled. (Annual reports, withholding taxes, etc.)
- j. Discourage transactions between the COA board members unless conducted openly and with stringent safeguards.
- k. Make no monetary profit unless expressly provided for reimbursement with in the bylaws.
- l. Be sure the records of the organization reflect the good faith efforts and conscientious conduct of the board members.

When a volunteer board fails, its agency's services are likely to deteriorate to the point where services become nonexistent or unreliable and where there is a tragic betrayal of both contributors and intended beneficiaries.

SERVICE DEFINITIONS

REGISTERED SERVICES

1. ***Personal Care (1 Hour)*** -- Providing personal assistance, stand-by assistance, supervision or cues from persons with the inability to perform with one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring in and out of bed/chair or walking.
2. ***Homemaker (1 Hour)*** -- Providing assistance to persons with the inability to perform one or more of the following instrumental activities of daily living: preparing meals, shopping for personal items, managing money, using the telephone or doing light house work.
3. ***Chore (1 Hour)*** -- Providing assistance to persons having difficulty with one or more of the following instrumental activities of daily living: heavy housework, yard work or sidewalk maintenance.
4. ***Home Delivered Meals (1 meal)*** -- Provision, to an eligible client or other eligible participant at the client's place of residence, a meal which:
 - a. complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture);
 - b. provides, if one meal is served, a minimum of 33 and 1/3 percent of the current daily Recommended Daily Allowance (RDA); as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences;
 - c. provides, if two meals are served, together, a minimum of 66 and 2/3 percent of the current daily RDA; although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients; and
 - d. provides, if three meals are served, together 100 percent of the current daily RDA; although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second and third meal shall be balanced and proportional in calories and nutrients.

5. ***Adult Day Care/Adult Day Health (1 Hour)*** -- Provision of personal care for depend dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services offered in conjunction with adult day care/ adult health care typically include social and recreational activities, training, counseling, meals, and services such as rehabilitation, medication assistance and home health aide services for adult day health.
6. ***Case Management (1 Hour)*** -- Assistance either in the form of access or care coordination in circumstances where the older person and/or their care givers are experiencing diminishing functioning capacities, personal conditions or other characteristics which require the provision of services by formal service providers. Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required. Note: *Case management requires that there be an ongoing relationship between the care giver and the case manager. It is not a cursory interface designed to facilitate service delivery.*
7. ***Congregate Meals (1 Hour)*** -- Provision, to an eligible client or other eligible participant at a nutrition site, senior center or some other congregate setting, a meal which:
 - a. complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture);
 - b. provides, if one meal is served, a minimum of 33 and 1/3 percent of the current daily Recommended Daily Allowance (RDA); as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences;
 - c. provides, if two meals are served, together, a minimum of 66 and 2/3 percent of the current daily RDA; although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients; and
 - d. provides, if three meals are served, together 100 percent of the current daily RDA; although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second and third meal shall be balanced and proportional in calories and nutrients.

8. ***Nutrition Counseling (1 Hour)*** -- Provision of individualized advice and guidance to individuals, who are nutritional risk, because of their health or nutritional history, dietary intake, medication use or chronic illnesses , about options and methods for improving their nutritional status, performed by a health professional in accordance with state law and policy.
9. ***Assisted Transportation (1 One Way Trip)*** -- Provision of assistance, including escort, to person who has difficulties (physical or cognitive) using regular vehicular transportation.
10. ***Transportation (1 One Way Trip)*** -- Provision of a means of going from one location to another. Does not include any other activity.
11. ***Legal Assistance (1 Hour)*** -- Provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.
12. ***Nutrition Education (1 Session)*** -- A program to promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants or participants and caregivers in a group or individual setting overseen by a dietitian or individual of comparable expertise. [Note: This is the only service of the 14 Registered Services where the unit measure (one session) refers to either an individual or group service. In this case, for example, a group of people attending a session on nutrition issues for the elderly would count as one unit of Nutrition Education]
13. ***Information and Assistance (1 Contact)*** -- A service for older individuals that:
 - a. Provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;
 - b. Assesses the problems and capacities of the individuals;
 - c. Links the individuals to the opportunities and services that are available; and
 - d. To the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, by establishing adequate follow-up procedures.[Note: The service units for information and assistance refer to individual, one-on- one contacts between and information and assistance provider and an elderly client or caregiver. An activity that involves a contact with several current or potential clients/care givers (what is considered group services) should

not be counted as a unit of information and assistance. Moreover, the provision of general information to an individual that allows him\her to access services is an administrative function and must not be counted as “information and assistance.”]

14. ***Outreach (1 Contact)*** -- Interventions initiated by an agency or organization for the purpose of identifying potential clients (or their care givers) and encouraging their use of existing services and benefits. [Note: The service units for outreach refer to individual, one-on-one contacts between a service provider and an elderly client or caregiver.] An activity that involves a contact with several current or potential clients/care givers (what is considered group services) should not be counted as a unit of outreach.

OTHER SERVICES

15. ***Counseling (1 per Client)*** -- Counseling by a professional counselor in either an individual or group session.
16. ***Crime Prevention Services (1 Contact)*** -- Efforts to educate citizens in ways to protect their property and persons.
17. ***Home Repair/Modifications (1Hour)*** -- Repairs and/or changes to existing structures to include accessible modification an minor repairs, e.g. handrails, ramps door locks, electrical fixtures, and appliances. Time spent in actual modification repairs shall be counted as a unit of service.
18. ***Material Aid (1 Contact)*** -- Issuing assistive devices and other goods, e.g., walkers, wheelchairs, fans, commodities, personal hygiene items.
19. ***Medical Alert (One unit per client per month)*** -- Providing Emergency Response Systems (ERS) to older persons.
20. ***Medication Management (1 Contact)*** -- Screening and education to prevent incorrect medication and adverse drug reactions.
21. ***Placement Services (1 Hour)*** -- Facilitate arrangements for needed living quarters.
22. ***Recreation (1 Per Day)*** -- Providing individual and group activities that promote social interaction and well-being.
23. ***Telephoning (1 Contact)*** -- Contacting individuals by phone on a routine basis to

determine physical status, to provide comfort and help.

24. ***Utility Assistance (1 Per Client)*** -- Determining an older individual's need for utility assistance and providing financial assistance to the individual.
25. ***Visiting (1 Contact)*** -- Visiting in the home of older individuals providing comfort, encouragement, listening, fellowship, etc.
26. ***Wellness (1 Per Day)*** -- Activities designed to provide services which will support and/or improve the older persons mental and/or physical well-being, e.g., exercise/physical fitness, and health screening.

NATIONAL FAMILY CAREGIVER

27. ***Public Education (1 Session)*** -- Basic, remedial, or continuing education services to assist individuals to acquire knowledge about services and/or skills suited to their caregiving role and needs. This service is in a group setting. It includes contacts with several current or potential clients/caregivers. Examples of activities that qualify as this service are providing educational seminars or the lending or showing of educational tapes, and distributing brochures to caregivers.
28. ***Information and Assistance (1Contact)*** - - Service for older individuals or their caregivers that: *a) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology; b) assesses the problems and capacities of the individuals; c) links the individuals to the opportunities and services that are available; and d) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures. This service includes intake and assessment activities. [Note: The service units for information and assistance refer to individual, one-on- one contact between and information and assistance provider and an elderly client or care giver. An activity that involves a contact with several current or potential clients/care givers (what is considered group services) should not be counted as a unit of information and assistance. Group services might be defined as "public education."]*
29. ***Case Management (1 Hour)*** -- Assistance either in the form of access or care coordination in circumstances where the older person and/or their caregivers are experiencing diminished functioning capacities, personal conditions or other conditions or other characteristics which require the provision of services by formal services providers. Activities of case management include assessing needs, developing

care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required.

30. ***Individual Counseling (1 Hour)*** -- Services of a state *licensed* professional designed to increase the client's capability to care for the qualifying individual. These services are meant to provide short term training or therapy to develop critical skills. The areas covered include, but shall not be limited to the following: Social Work, Psychology, Professional Counseling, Nursing, Food and Nutrition, Occupational Therapy, Physical Therapy, and Speech Pathology and Audiology.
31. ***Support Groups (1 Session)***-- A group of persons who meet together for fellowship and to share their experiences, strengths, hopes, and difficulties with each other so that they may solve common problems and help fellow caregivers.
32. ***Adult Day Care (1 Hour)*** -- Provision of personal care for dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services offered in conjunction with adult day typically include social recreational activities, training, counseling, and meals.
33. ***Adult Day Health (1 Hour)*** -- Provision of personal care for dependent adults in a supervised, protective, congregate setting during some portion of a twenty-four hour day. Services offered in conjunction with adult day typically include social recreational activities, training, counseling, meals, rehabilitation, medications assistance and limited personal care services.
34. ***Group Respite (1 Hour)*** -- An established social-model adult day service programs designed to provide a temporary break in the tasks of caregiving and offer information, education and other supportive services. They also attempt to improve patients' cognitive and social abilities by providing a secure environment and opportunities to socialize.
35. ***In-Home Respite (1 Hour)*** -- Personal Care services provided in the home of the qualifying individual in order to provide a brief period of rest for the client.
36. ***Institutional Respite (1 Hour)*** -- A temporary, alternative living arrangement for older arrangements for older persons in a hospital, nursing home or other licensed facility on an intermittent, occasional or emergency basis.
37. ***Material Aid (1 Contact)*** -- Issuing assistive devices and other goods (e.g., walkers, wheelchairs, and personal hygiene items, such as incontinent briefs.)
38. ***Personal Care (1 Hour)*** -- A service that provides personal assistance, stand-by

assistance, supervision or cues from persons with the inability to perform one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring in and out of bed/chair or walking. Generally, tasks are limited to those dealing with personal hygiene, meal preparation and eating, household services for the recipient and accompanying the recipient to and from medical appointments.

- 39. *Sitter Service (1 Hour)*** -- A service provided in a home setting to ensure the health and safety of the qualifying individual. It includes observing, conversing, providing food for the qualifying individual, etc.

ANNUAL BOARD EVALUATION

Directions: Every board member should complete this form. Take plenty of time to consider your responses. Then hold a special meeting to discuss the results. Check “Yes” if the item is true all the time. Check “Some” if the item is at least partially true. Check “No” if the item is never true.

ANNUAL BOARD EVALUATION			
	Yes	Some	No
<i>Policies:</i> Board activities are confined to policy, not management issues.			
All management activities are delegated to the administrator			
The board annually reviews bylaws and the policy manual			
<i>Roles and Responsibilities:</i> Each board member has copy of his or her job description			
Board members understand their legal responsibilities as trustees			
Board members participate in fund raising activities			
Board members make personal financial contributions			
Board members talk positively about the agency in public			
Committees meet only if they have work to do			
The full board approves the annual evaluation of the administrator			
Board needs are clearly communicated to the administrator			

ANNUAL BOARD EVALUATION			
	Yes	Some	No
Board members are recruited for their knowledge, Skill, and clout			
New board members receive an orientation			
Each board office and committee has a job description			
Board members receive in-service training at least every six months			
Board members understand that communication with staff should be channeled through the administrator			
Planning: Board activities focus on the mission statement			
The Board makes a written long-range plan (more than one year)			
Meetings: Board meetings follow a system of parliamentary procedure			
Board members stick to the agenda and are business- like			
Board meetings start on time and end on time			
Board members arrive on time for meetings			
Board meetings last two hours or less			
Board members participate in discussion at board meetings			

EVALUATION FOR BOARD MEMBERS

Directions: Take a few minutes to evaluate yourself or another board member by completing this form.

This evaluation is for: Myself _____ Colleague _____

Performance level:

Exceeds Expectations -- accomplishes goals beyond reasonable expectations

Meets expectations -- attains goals in a manner reasonably expected

Needs improvement -- shows lack of progress toward goals

	<i>Exceeds expectations</i>	<i>Meets expectations</i>	<i>Needs Improvement</i>
Prepares adequately for board meetings			
Participates in board meetings			
Works cooperatively with the administrator			
Is able to make unpopular decisions when necessary			
Supports majority decisions			
Expresses willingness to make changes in the organization			
Attends board meetings regularly			
Listens to all sides before making a decision			
Accepts constructive criticism			
Remains calm under pressure			

	<i>Exceeds expectations</i>	<i>Meets expectations</i>	<i>Needs Improvement</i>
Asks questions and expresses opinions to: Other board members The administrator			

EVALUATION FORM FOR EXECUTIVE DIRECTORS

Directions: As you read through the following list, check off the items your administrator does well. Leave blank any items where improvement is necessary.

Relationship with the board:

- _____ Keeps board informed of organizational activities, progress and problems
- _____ Is receptive to board member's ideas and suggestions
- _____ Makes sound recommendations for board action
- _____ Facilitates the decision- making process for the board
- _____ Accepts board criticism as constructive suggestion for improvement
- _____ Gives constructive criticism in a friendly, firm and positive way
- _____ Follows up on all problems and issues brought to his or her attention

Comments:

Management skills and abilities:

- _____ Maintains a smooth- running administrative office
- _____ Prepares all necessary reports and keeps accurate records
- _____ Speaks and writes clearly
- _____ Proposes organizational goals and objectives prior to each fiscal year

- _____ Plans well in advance
- _____ Is progressive in attitude and action
- _____ Adequately follows through on set plans

Comments:

Service to people served:

- _____ Understands and stays current with their needs of people served
- _____ Focuses all activities on serving peoples' needs
- _____ Accepts criticism from the people served and responds appropriately

Comments:

Field Management:

- _____ Prepares a balanced budget
- _____ Completes the year with a balanced budget
- _____ Displays a common sense and good judgment in business transactions
- _____ Adequately supervises physical plant operations

Comments:

Personal and professional attributes:

- _____ Projects professional demeanor
- _____ Participates in professional activities

Comments:

Community and public relations:

- Represents the organization in a positive and professional manner
- Actively promotes the organization to the public

Comments:

Effective leadership of staff:

- Hires and maintains competent staff development
- Follows personnel policies closely
- Maintains high staff productivity

Comments:

Board Member's Signature

Date

These essay questions can be added to the checklist to include qualitative data in your evaluation. Respond to each question and include your checklist responses.

1. What specific recommendations do you have for your administrator to improve performance?
2. What impressed you the most about your administrator's performance this year?
3. What should be the priorities for your administrator over the next year?

4. In what areas has your administrator shown exceptional improvement?

5. What is your major area of concern regarding your administrator's performance this year?

6. Do you have any additional comments regarding your administrator that would affect his or her evaluation?

Board Member's Signature

Date

APPENDIX A: SAMPLE COUNCIL ON AGING BYLAWS

**ARTICLE I.
NAME**

1.01. Name. This corporation shall be known as the _____ Parish Voluntary Council on Aging (the Council). It shall operate under the provisions of the Charter issued by the State of Louisiana on the _____ day _____ of _____.

**ARTICLE II.
PURPOSE**

2.01. Purpose. The purpose of the Council shall be to collect facts and statistics and make special studies of conditions pertaining to the employment, financial status, recreation, social adjustment, mental and physical health or other conditions affecting the welfare of the elderly of the parish; to keep abreast of the latest developments in those fields of activity throughout the state and nation; to interpret its findings to the citizens of the parish and state; to conduct public meetings; to make recommendations for needed improvements and additional resources; to promote the welfare of aging people; to coordinate and monitor services of other local agencies; to assist and cooperate with the Governor's Office of Elderly Affairs (GOEA) and other departments of the state government serving the elderly.¹

**ARTICLE III.
MEMBERSHIP**

3.01. Charter Membership. Charter membership in the Council shall consist of those persons who associated themselves together, and petitioned pursuant to Act 456 of 1964, and received charter dated _____ and incorporated into a nonprofit corporation on the date of _____.

3.02. General Membership. Membership in the Council shall be open at all times, without restriction, to all residents of _____ Parish who have reached the age of majority. Membership fees shall not be charged. A membership drive shall be conducted annually in the month of _____. The membership rolls will be closed two weeks prior to the annual meeting which will be held in _____.

3.03. Membership List. The Secretary shall maintain a list of the members of the Council and that list shall be available at all regular meetings and special meetings of the

¹ R.S. 46:1604

membership. Only those individuals who have been identified as current members will be permitted to vote at meetings of the general membership.

ARTICLE IV. BOARD OF DIRECTORS

4.01. Responsibilities. The Board of Directors (the Board) is responsible for the management and direction of the Council. The Board shall establish policies governing all aspects of the Council's operations. The Board shall be responsible for enforcement of these policies. The Board shall have the power to elect officers and establish committees. The Board shall control all assets; be responsible for finances, including the annual audit; and hire and fire the Executive Director, who shall hire, supervise, and discipline staff. All communication between any member of the Board and any member of the staff shall be channeled through the Executive Director or his/her designee. The Board shall establish written procedures for hearing employee grievances.

4.02. Selection Criteria. There shall be parish wide representation on the Board. Board members must have knowledge and expertise in the areas of business and financial management needed to manage the affairs of the Council. The Board shall consist of, but not be limited to representatives of the elderly population, the general public, the private sector and elected public officials.

4.03. Composition. The Board shall be composed of _____² members, and shall include the following:

a. _____ members shall be elected from the general public to represent all sections of the parish and will be drawn from, but not limited to, civic organizations, governmental agencies, business, and religious groups.

b. _____ representatives, who must reside in the districts which they represent, from each of the _____ Police Jury districts, to represent the elderly population in their respective districts.

c. _____ members shall be selected from other provider agencies which serve the elderly, to represent the private sector.

d. _____ members shall be elected officials, to represent the general public.

4.04. Staff. Except for the staff director, who may be an ex-officio member with a voice

² GOEA recommends a minimum of thirteen(13) members because eleven (11) is the minimum number for a legally constituted Board.

in discussions but with no vote, paid staff members are prohibited from serving on the Board.

4.05. *Residence Requirements.* Board members must reside in the parish throughout their tenure.

4.06. *Elections.* Board members shall be elected by the general membership of the Council. Ballots shall be prepared from the list of nominees submitted by the Board Development Committee. The presiding officer shall allow ample time for nominations and shall recognize all nominations including those from the floor, before declaring the nominations closed. All nominations from the floor shall be added to the ballot. Voting shall be conducted by secret ballot. Ballots shall be counted in full view of the membership.

4.07. *Terms of Office.* Board members shall be elected for terms of three years with approximately one-third elected each year. The word “year” is defined as the period from the date of the annual meeting of one year to the date of the annual meeting of the following year, inclusive. Each Board member shall serve until a replacement is appointed or his/her successor is elected.

4.08. *Rotation.* Any member of the Board who shall served as such for two (2) consecutive full terms shall be ineligible for re-election for a period of one year immediately following the expiration of such second full term.

4.09. *Vacancies.* Whenever a position on the Board becomes vacant during the year, the Board shall elect a temporary replacement within sixty days. The replacement shall serve until the next annual meeting, at which time a successor shall be elected by the membership to fill the vacancy for the remainder of the unexpired term. For purposes of Article 4.07, a person elected to fill an unexpired term for at least eighteen (18) months shall be considered to have occupied the position for a full term.

4.10. *Separation.* Former council on aging board members shall not serve as paid agency staff of the same agency for a period of two (2) years immediately following separation from the Board. Former council on aging employees shall not serve on the board of directors of the same agency for a period of two (2) years immediately following separation from employment.

ARTICLE V. OFFICERS

5.01. Officers. The offices of the Board shall be President, Vice-President, Secretary, and Treasurer.

5.02. President. The President shall preside at all meetings of the Board, and shall perform such duties as may be assigned by the Board.

5.03. Vice- President. At the request of the President, or in his/her absence or disability, the Vice-President shall perform the duties and exercise the powers of the President. The Vice President shall perform such duties as may be assigned by the Board.

5.04. Secretary. The Secretary shall have general charge over all the Board's records. The Secretary shall keep complete minutes of all meetings of the Board and Executive Committee. The Secretary shall serve all notices required by the corporate laws of the State of Louisiana and the bylaws of the Council. The Secretary shall prepare and submit the Annual Report to GOEA. The Secretary shall be responsible for maintaining the official membership roll of the Council. The Secretary shall have the usual powers and duties of a Secretary and shall perform such other duties as may be assigned by the Board.

5.05. Treasurer. The Treasurer shall have the usual powers and duties of a Treasurer. The Treasurer shall be responsible for all funds, property, and securities of the Board subject to State and Federal law and/or regulations. The Treasurer shall present a quarterly financial statement to the Board to include a comparison of income and expenditures with respect to the annual budget. The Treasurer must properly account for and report to the Board annually regarding all assets of the Council. The Treasurer shall prepare and submit such reports as are required by law. The Treasurer shall perform such other duties as may be assigned by the Board.

5.06. Terms of Office. The term of office for each office shall be one year. Officers may serve no more than two consecutive terms in the same office. Terms shall begin when the officers are elected.

5.07. Election. Each officer shall be elected by the members of the Board at the first regular meeting of the Board. The first regular meeting of the Board shall be held immediately following adjournment of the Annual Meeting.

5.08. Vacancy. The Board shall elect from among its members, an officer to fill any office vacated between elections within thirty days, or at its next scheduled meeting, whichever comes first. The officer so elected shall serve for the remainder of the unexpired term. An unexpired term so filled shall not be considered a term of office as defined in Article 5.06.

ARTICLE VI. REMOVAL

6.01. *Reasons for Removal.* Any Board member or officer may be removed from the Board, after a hearing, for the following reasons:

- a. failure to perform duties;
- b. conduct which is injurious to the Council or its purposes;
- c. absence from two (2) consecutive regular meetings of the Board without a valid reason. The secretary shall mail a letter of notification after a member has missed two (2) regular meetings.

6.02. *Notice of Removal.* Any officer or member proposed to be removed shall be entitled to at least five (5) day notice in writing, of the meeting at which such removal is to be voted upon. Such notice shall be sent by registered mail, and shall include the reason(s) for the proposed removal. The officer or member proposed to be removed shall be entitled to appear and be heard at such meeting, and may present such witnesses and make such defense as he/she deems proper.

6.03. *Process of Removal.* Any officer or member may be removed from office by the affirmative vote of two-thirds (2/3) of the board members present at any regular meeting or special meeting called for that purpose. The Board may declare a seat vacant or void the election of a board member.

ARTICLE VII. MEETINGS

7.01. *Parliamentary Authority.* All Board meetings shall be conducted in accordance with the current edition of Robert's Rules of Order, in which the rules are not consistent with these bylaws or revised statutory regulation.

7.02. *Open Meetings.* Meetings of the Council shall be conducted in accordance with R.S. 42:1 et seq., The Open Meetings Law.

7.03. *Agenda.* The Board Chairperson, the Vice Chairperson, and/or the Director or his/her designee shall consult on the preparation of relevant agenda items for board meetings.

7.04. *Regular Meetings.* Regular meetings of the Board shall be held at least quarterly according to a schedule determined by the Board. The dates and times must be announced in accordance with the Open Meetings Law.

7.05. *Special Meetings.* Special meetings may be called by the Chairperson; the

Executive Committee; one-third (1/3) of the board members; or twenty-five (25) credentialed members of the Council. The purpose of the meeting shall be stated in the request. Except in the cases of emergency, at least twenty-four (24) hour notice shall be given.

7.06. Notice. Notice of board meetings shall be given by regular mail to each member at least five (5) days before the date designated for such meetings. The notice shall specify the place, time, date, and business to be brought before the Board.

7.07. Quorum. The presence of a simple majority of the number of Board members stated in the bylaws³ shall be necessary to constitute a quorum. At any meeting of the Board and/or committee to transact business. An act of a simple majority of the Directors attending a meeting when a quorum is present shall be an act of the Board.

7.08. Voting Procedures. Voting will be conducted by voice vote of Ayea@ or Anay.@ No member will vote by proxy. Each member should to have one (1) vote. All votes made by members of the Board shall be recorded by members name in the minutes of the meeting and as required by the Louisiana Open Meetings Law (R.S. 42:5 et. seq.)

ARTICLE VIII. ANNUAL MEETING

8.01. Annual Meeting. There shall be an Annual Meeting of the membership of the Council in the month of _____ for the purpose of nominating and electing Board members, receiving reports, and conducting any other business that may arise.

8.02. Notice of Annual Meeting. The Annual Meeting shall be advertised in the parish newspaper(s) twenty-one (21) days in advance. Notices shall be posted at all Council on Aging activity sites for at least seven (7) days immediately prior to the meeting.

8.03. Quorum. Those members of the Council present at the Annual Meeting who have been credentialed by the Secretary shall constitute a quorum for the Annual Meeting.

ARTICLE XI. ANNUAL REPORT

9.01. Annual Report. An Annual report shall be prepared at least two weeks prior to the

³ This number includes positions that may be temporarily vacant.

annual meeting. It shall include a list of Board members; a comprehensive financial statement that identifies all revenues, expenses, sources of funding and ending balances; a summary of activities conducted pursuant to R.S. 46:1604, including findings and recommendations of subcommittees appointed by the Council during the most recently completed State fiscal year. Copies shall be made available to GOEA and the general public and may be provided at cost.

ARTICLE XI. COMMITTEES

10.01 *Standing Committees.* The Board shall establish the following standing committees: Executive Committee, Board Development Committee, Personnel Committee, and Finance Committee.⁴ Elections and appointments shall be done annually. The members of the standing committees shall be done at the first meeting of the Board following the annual meeting. To the extent feasible, all members of the Board shall be appointed to at least one standing committee.

10.02. *Executive Committee.* The Executive Committee shall be composed of the Officers and such other persons as the Board designates. The Executive Committee shall have authority to make decisions as delegated by the Board. Recommendations developed by the Executive Committee shall be brought before the full Board for its actions at the next meeting of the board.

10.03. *Board Development Committee.* Board development committee shall be elected by the Board and shall elect its own Chairperson. This committee shall nominate temporary replacements to be elected by the Board to fill vacancies on the Board; present a slate of nominees for the Board to be voted upon the general membership at the annual meeting; and develop a slate of nominees for officers to be presented to the Board at the first meeting following the annual meeting. Biographical information will be obtained by this committee on each individual being considered for nomination.

10.04. *Personnel Committee.* The Personnel Committee shall be appointed by the Board President. This committee shall interview and recommend candidates for the executive director's position; and recommend salaries and adjustments for the executive director. It shall develop personnel policies which ensure compliance with all pertinent federal and state laws and regulations pertaining to labor standards including employee rights, compensation, insurance, retirement, social security and other benefits. It shall hear appeals of disciplinary actions by the executive director. Its recommendations shall be presented to

⁴ These are the *minimum* standing committees.

the Board for approval.

10.05. Finance Committee. The Finance Committee shall consist of the Treasurer and members appointed by the President. The Treasurer shall serve as chairperson. This committee shall develop fund raising activities; prepare and submit financial reports and amendments to the budget for the current fiscal year.

10.06. Ad Hoc. Committees. The Board may designate such other committees as it deems necessary. Members shall be appointed by the President. Ad Hoc committees shall meet at the call of their Chairperson and shall submit a written report to the Board at the end of their assignment.

10.07. Quorum for Committee Meetings. The quorum for conducting business for all committees shall be by a simple majority of the membership of each committee. The passage of any motion or resolution shall be by simple majority voice vote of those present.

ARTICLE XI. FISCAL MATTERS

11.01. Compensation. The members of the board shall receive no per diem or other compensation for their services.

11.02. Travel Reimbursement. Members of the board *shall*⁵ be eligible to receive reimbursement for in-parish travel for the purpose of attending meetings of the Board or any committee. Travel reimbursement may be received for out-of-parish travel conducted in connection with business of the Board. Such travel must receive prior approval of the Board at a regularly scheduled meeting. State travel regulations shall govern the rate of reimbursement.

11.03. Bonding. A fidelity bond shall be maintained by the Council to cover all board officers, all board members authorized to sign checks, and all council on aging employees who handle cash or other funds administered by the Board.

11.04. Bank Accounts. The Board shall designate all authorized check signers through the passage of a resolution. All checks issued by the Council shall have two signatures. At least one of the signatures shall be that of a duly authorized board member. The bookkeeper or person preparing the checks shall not be authorized to sign checks.

11.05. Audits. The accounting records of this corporation shall be audited annually within

⁵ “shall” or “shall not.” The Board must establish this policy in the bylaws.

one hundred eighty (180) days of Fiscal Year close by a Certified Auditor or Certified Public Accountant who report shall be rendered to the Board and sent to GOEA as required.

ARTICLE XII. ETHICS

12.01. *Conflict of Interest.* All Board members shall avoid conflicts between their personal interests and the interests of the Council.⁶

a. *Conflicts of interest* include situations wherein a Board member:

i. is involved in a Council decision or action regarding another entity in which the member or a member of his/her immediate family has a financial interest, is an employee, is a director or is a consultant; or

ii. discloses information relating to the business of the Council which can be used by another entity to the detriment of the Council.

b. *Other entities* include any organization or individual which does business or seeks to do business with the Council or competes with the council.

c. *Immediate family* is defined as follows; Husband, wife, father, mother, sister, brother, son, daughter, grandmother, grandfather, father in-law, mother in-law, sister in-law, brother in-law, son in-law, daughter in-law.

12.02. *Disclosure*⁷. If a board member is aware of any personal interest related to an issue that exists or is under consideration by the Council, the individual shall immediately and prior to the discussion about or action on the issue.

a. disclose the existence of all personal interests; and

b. abstain from voting and/or attempting to influence the decision.

12.03. *Coercion.* Neither the Board nor the Executive Director shall impose upon any employee or prospective employee of the Council any conditions of employment, neither

⁶ The President, after reviewing the matter with the Executive Committee, shall have final authority to determine whether a conflict of interest exists.

⁷ The disclosure of personal interest shall be noted in the minutes of the meeting in which it is made and in the minutes of subsequent meetings at which the issue is discussed. If the individual is a voting member, the minutes shall show that the individual abstained from voting.

expressed or implied, which are not job related in terms of qualifications, duties, and responsibilities.

ARTICLE XIII. PROPERTY

13.01. *Acquisition.* Assets derived from funds administered by the Council are the assets of the Council.

13.02. *Disposition.* In the event of the dissolution of the Council, no assets shall be used to benefit any private person, corporation, or group. GOEA shall ensure that such assets are transferred to a unit of government or to another private non-profit agency holding a 501 (3) (c) Certificate.

ARTICLE X IV. AMENDMENTS

14.01 *Amendments.* These by-laws may be amended by two-thirds (2/3) vote at any regular meeting of the Board where written public notice of a proposed amendment has been given to members and post marked fourteen (14) days prior to the meeting. Proposed changes in the bylaws shall not be voted on at the meeting at which they are presented for consideration, but shall be laid over to the next regularly scheduled board meeting unless a special meeting is called for that purpose.

ARTICLE XV. LACUNAS

15.01. *Lacunae.* Any matter of procedure not covered herein or by the Articles of Incorporation shall be governed by current Robert's Rules of Order, Revised. Any matters, other than procedural, not covered by these bylaws herein shall be determined by the Board.

BOARD OF DIRECTORS
BY-LAWS CERTIFICATION

This is to certify that the Board of Directors of _____ Council on Aging reviewed its by-laws dated _____ at its Board of Director’s meeting on _____ and found them to be in compliance with the Governor’s Office of Elderly Affairs (GOEA) Policy and Procedure Manual, §1161.

The by-laws, dated _____, *have* _____ *or have not* _____ been revised. *If by-laws have been revised*, a copy of the current updated by-laws were forwarded to GOEA by a letter of transmittal dated _____. The by-laws were found to concur with the Agency’s Articles of Incorporation.

Board Secretary (Printed Name)

Board Secretary Signature

Date

Certification must be received by GOEA July 15th of each year.

APPENDIX B: CREDENTIALING OF GENERAL MEMBERSHIP (GOEA TECHNICAL ASSISTANCE MEMORANDUM 84-3 EXCERPT)

Many of the older sets of Articles of Incorporation make reference to Council on Aging membership as consisting of persons “who show an interest in the welfare of the elderly in the parish.” Such generality can get you into serious difficulty at general membership meetings; after all anyone who comes to such a meeting has exhibited some degree of “interest.” It is important to develop standards of membership, since your board members come from the membership (and the membership votes on those selections).

The mechanics of revising the Articles (usually where the membership of the corporation is defined) may be confusing, but will have to be undertaken to effect changes.

The Articles of Incorporation specify the means by which they may be amended.

The revision would include removing older language (if any) which defined members of the corporation, and inserting new, more specific standards for membership.

This is not to imply that it should be difficult to become a member of a Council. After all, a representative membership will ensure a representative Board of Directors. On the other hand, you must be able to identify the corporation’s members, in order to keep the membership informed and determine who may vote in any membership meetings.

Due to the State’s requirements that board members serve only two consecutive terms, you will want a knowledgeable pool of members to tap as potential new board members.

Most agencies have allowed the annual meeting to become simply another board meeting, with current board members perpetuating their terms. The requirement for rotation of board members -- and officers -- will be enforced. Strengthen your Council by recruiting future board members as general members.

On the other hand, through a combination of past practices and state requirements, there are some characteristics most of you will want to seek out:

Because you are largely involved in working with and for the elderly, most of you

tend to recruit older persons as volunteers for your agencies (remember, your members are volunteers). While you might not to set an age limit on membership, you may want to direct specific recruiting efforts at seniors. You may, also want to have such persons available to serve on the Board by credentialing them as general members. The credibility of the Councils can be improved if your general and board memberships are broadly representative.

The question becomes one of “Which comes first -- a credentialed membership or a revision of the Articles?” You may be able to accomplish both at once.

Previously as mentioned, you must realize your Articles to impose any membership standards. A general membership meeting must be held to do that. However, there is nothing to stop you from identifying those persons who consider themselves members of the Council prior to such a meeting. Such identification could be easily accomplished by publishing a notice in the local newspaper:

“The _____ Council on Aging is currently in the process of up-dating its membership files. If you are, or would like to become a member of the Council, please stop by the office at _____ (address) to complete a membership card. Or contact the Council and one will be mailed to you. A completed card must be on file at the Council office by _____ (date) in order for a member to participate in the next general membership meeting. You must be a parish resident to join, and be interested in assisting elderly residents of _____ Parish.”

Obviously, all of the current board members would complete a card. And you and your Board could make special efforts to recruit members. Once you have a file with names and addresses, you will be able to mail notices for general membership meetings (although you will still place notices in local media).

You can then proceed to carry out a revision to the Articles which include whatever basic standards you and your Board wish to require. We are less interested in restricting the membership than in providing for their identification prior to any general meeting. Therefore, the new language could simply read as follows:

“The membership of the Corporation shall consist of those parish residents who have

shown an interest in serving the goals of the Council by obtaining and completing a membership card as identified in this section. A membership card for this Corporation shall include at least the following information: name, mailing address, age, sex, race, occupation, and special field of interest. The card shall include the signature of the member and date of its completion. In order to vote in a meeting of the members of the Corporation, a card must have been signed and dated and on file at the Corporate office no less than two weeks prior to that meeting. The Secretary shall maintain a list of the members of the Corporation, and that list shall be available at all regular and special meetings of the membership.”

You must protect yourselves from “packing” of general meetings by special interest groups which would then control your Board selection process. And you must be able to identify those persons who are eligible to be elected to the Board B the members of the Council. Additionally, if you and your Board know who your members are, you can identify areas of weakness and recruit new members accordingly. The best interest of the senior citizens in your parish will be served by a representative Board drawn from a representative membership. I urge you to consider initiating steps to accomplish this goal before the end of the year.

APPENDIX C: YOUR RIGHTS UNDER THE OPEN MEETINGS LAW

The Open Meetings Law (R.S. 42:4.1-12) was enacted to insure “that public business be performed in an open and public manner and that citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.” The law must be construed liberally.

The law gives you the right to attend and record the deliberations of a public body including city and parish governing bodies; school boards; levee boards; post commissions; boards of public utilities; planning, zoning and airport commissions; the Legislature; other state, local or special district boards or authorities with policymaking, advisory or administrative functions; and committees of these bodies. Judicial proceedings are exempted.

The Legislature is subject to the open meetings law, but its own rules of procedure govern in some instances.

Meetings Which Must Be Open to the Public

All meetings of public bodies must be open to the public unless closed for reasons permitted by law and according to procedures set by the law. “Meeting” is defined as the “convening” of a majority of the total membership of a public body to deliberate, act or receive information on a matter over which the body has supervision, control, jurisdiction or advisory power. The law does not apply to chance meetings or social gatherings at which no vote or other action, including polling members, is taken.

A public body may not use proxy voting, secret balloting or any other means to circumvent the law. All votes by members of a public body must be *Aviva voce* and recorded in the minutes and other written proceedings.

Anyone disrupting a public meeting “to the extent that orderly conduct of the meeting is seriously compromised” may be removed.

Notices and Minutes of Public Meetings Required

At least twenty-four (24) hours written notice must be given for all regular, special or rescheduled meetings of public bodies except in cases of “extraordinary emergencies.” The notice can be posted at the office of the public body or meeting place if there is no office, or publicized in the official journal of the public body. It must include the meeting agenda, date, time, and place. Upon approval by two-thirds (2/3) of the members present, the public body can take up a matter not on the agenda. The notice sent to members of the public body must be sent to members of the press if requested.

If a public body’s regular meetings are fixed by state or local law, written public notice of these meetings must be given (showing the dates, times, and places of the meetings) every January.

Public bodies must keep written public minutes of open meetings showing the substance of all matters decided.

Uncompensated private citizens’ advisory groups or committees established by a public body, except state textbook advisory committees, do not have to keep written minutes. Meeting notices for such groups must be provided by the parent public body.

Reasons for Closed Meetings (Executive Sessions)

A public body may close a meeting to the public to: (1) discuss the character, professional competence or health of a person (except in emergency, the person must be given twenty-four (24) hour notice, but in meetings other than those of the legislature or its committees the person may require a public discussion and the exemption cannot be used to discuss a person’s appointment to a public body; (2) discuss strategy or negotiations regarding collective bargaining or litigation, “when an open meeting would have a detrimental effect on the bargaining or litigation position of the public body” (an agenda must identify litigation to be discussed); (3) discuss security personnel, plans or devices; (4) investigate alleged misconduct; or (5) deal with “natural disaster, threat of invasions, or other matters of similar magnitude.”

The legislature can hold closed meetings to discuss confidential communications; the character, professional competence or health of anyone subject to appointment or confirmation of appointment; investigations that may elicit testimony of illegalities; and any other matters provided by joint legislative rules. Also exempted are

proceedings of certain state boards and discussions between a school board and a student or parents, unless they request a public discussion.

To hold a closed meeting, two-thirds (2/3) of the members present must vote in a open meeting to do so, and the minutes must show the reason for holding the closed session. No final or binding action can be taken during a closed meeting. A closed meeting cannot be used “as a subterfuge to defeat the purposes” of the law.

What You Can Do About an Illegally Closed Meeting

Anyone may file a complaint with the state attorney general or a district attorney against a public body believed to have violated the law. The attorney general enforces the law statewide; a district attorney enforces the law with respect to public bodies within his jurisdiction. Both officials may institute suit upon receiving a complaint, unless written reasons are given for not doing so. An individual may file a civil suit to require compliance with, prevent violations of, determine the applicability of, or nullify any action taken in violation of the law. A suit to nullify an action taken by a public body must be commenced within sixty (60) days of the action.

If the court rules in your favor, you will be awarded reasonable attorney fees and other costs of litigation. If partially successful, you may be awarded reasonable attorney fees or a portion thereof. If your suit is found frivolous and unjustified, you may have to pay reasonable attorney fees of the other party. A member of a public body who participates in an illegal meeting may be penalized up to \$100 per violation which may be awarded to you.

Public Law 89-73, the Older Americans Act (the Act), was first enacted in 1965. The Act has been amended thirteen times. As first enacted, the Act authorized funding under Title III to support in each state a State Agency on Aging. Title III also provided funds for each state agency to initiate local community projects to provide social services to older persons.

In 1972, a new Title VII was enacted which authorized funds for local community projects to provide nutrition services to the elderly. The projects were designed to provide persons aged 60 and older with at least one hot nutritious meal five or more days a week.

Major changes in the Act were made in 1973 with the “Comprehensive Services Amendments.” Specifically, under the new Title II, State Units on Aging were required to: (1) divide the entire state into planning and services areas, (2) determine in which areas an area plan would be developed, and (3) designate an area agency on aging to develop and administer the plan in each area. In turn, AAA were assigned chief responsibility for planning, coordinating, developing, and pooling resources to assure the availability and provision of a comprehensive range of services at the sub-state level.

In Louisiana there are both regional and single-parish planning and service areas, and many Councils on Aging (COAs) are also designated single-parish Area Agencies on Aging (AAA). Very generally speaking, the essential difference between AAA and COA is that the AAA is charged with planning and coordinating comprehensive system of services, and the COA ensures that those services are provided. This separation of functions provides an effective system of checks and balances, and an opportunity for objective assessment and evaluation of service provision. It also assures the “grass roots” involvement of local agencies, such as police juries, school boards and others. A COA that is a designated AAA must fulfill both functions.

The 1973 amendments also added a new Title V to the Act which authorized the Commissioner to make grants directly to local community agencies to pay part of the cost of construction, acquisition, renovation, alteration, or initial staffing of facilities for use as multipurpose senior centers.

The 1978 amendments consolidated under Title III the social services, nutrition

services, and multipurpose senior center programs formerly authorized under Title III, V, and VII. This consolidation was designed to eliminate duplicity and overlapping functions that had been conducted under each Title. It also reemphasized the concept of a single focal point for service delivery within each community. The 1978 amendments enacted a new Title VI, a direct grant program to Indian tribal organizations for older Indians. The 1981 amendments made several technical amendments to the Act and reinforced the basic direction established under the 1878 amendments. Most of the changes expanded the capacity of state agencies, area agencies and tribal organizations through increased administrative flexibility.

The 1984 amendments included a number of changes in the various service programs under Title III, including provisions to increase further the ability of states to transfer funds between their separate allotments for supportive and nutritional services; to specify particular attention to the needs of low-income minority older persons; to require area agencies to conduct activities to facilitate coordination of community-based long-term care services; and to strengthen the long-term care ombudsman program. In addition, the 1984 amendments modified the manner in which funds for state administration are allocated to state agencies on aging, specified a statutory limitation on the amount of funds which could be used for administration of Title V, and created a new title for health and education and training activities for older persons.

In 1986, legislation increased the authorization of appropriations for the United States Department of Agriculture (USDA) cash and commodity subsidy program for fiscal years 1985-87 and set the level of reimbursement at 56.76 cents for each meal served under Title III for each of those years. The 1987 amendments removed the former provision under which the USDA reimbursement rate was related to changes in the Consumer Price Index. A new fixed reimbursement rate related to changes in the Consumer Price Index was established for the four-year authorization created by the 1987 amendments.

The 1987 amendments provided a strong basis for Older Americans Act supported activities that are responsive to the complex and changing environment which is emerging with the aging of American society. The Act continued to underscore the collaborative efforts that are needed to ensure that every community in this nation provides the opportunity for individuals to live and mature with dignity and independence. The reauthorized Act reaffirmed expectations that AOA, state agencies on aging and area agencies on aging provide leadership at their respective levels and work to establish strong partnerships with other public, private, and voluntary sector organizations to assure that the nation is responding to the challenge

of an aging society. The role of the state agency on aging was reinforced as the developer of policies and procedures to guide and direct area agencies. The amendments also further enhanced the role of the area agency on aging as an advocate on behalf of the elderly and catalyst for ensuring the existence of community-based systems of services for older persons in every community in the planning and service areas.

The 1987 amendments authorized the initiation of a number of activities including the establishment on the Administration on Aging of an Office for American Indian, Alaskan Native and Hawaiian Native Programs headed by an Associate Commissioner responsible for Title VI and for chairing an interagency task force related to older Indians. The amendments also established a separate Title VI-B program of grants or supportive and nutritional services to older Hawaiian Natives. Under Title III, the amendments created: a new Part D to support non-medical in-home services for frail older persons; a new part E providing grants to states to assist them in meeting special needs for older persons; a new Part F supporting preventive health services for the elderly; and a new Part G providing grants to states for programs to prevent abuse neglect and exploitation of older individuals. The amendments required each state to establish an Office of State Long-Term Care Ombudsman. The Commissioner on Aging was required to conduct a study of the ombudsman program and report to Congress on the findings and recommendations of the study.

The 1992 amendments to the Older Americans Act reemphasized the intention of the Congress to target services and resources on the needs and problems of those older individuals identified as having the greatest economic need, the greatest social need, and those who are low-income minority. These amendments, for the first time, require the Commissioner on Aging to approve a state's intrastate funding formula prior to the release of Title III funds; required state agencies to include descriptive statements about the intrastate funding formula's assumptions, goals, and outcomes based on the allocation of funds to each planning and service area; and required the Commissioner on Aging to assist states in the development of intrastate formulas by providing them with guidelines.

Title VII of the Older Americans Act, enacted in the 1992 Amendments, brings together into one title advocacy programs which were previously in Title III. The purpose of Title VII is to foster activities to assist vulnerable older persons to exercise their rights; to secure the benefits to which they are entitled, and be protected from abuse, neglect and exploitation. Subtitle A encompasses programs for which the state Agency on aging has leadership responsibility; Subtitle B provides a means to

assist Native American organizations to prioritize the needs of their service population relating to elder rights and make grants (when this subtitle is funded) to carry out vulnerable elder rights protection activities.

The 2000 Older Americans Act amendments re-designated Title III, Part F - Disease Prevention and Health Promotion Services as Title III, Part D. An important change to note is that the Consolidated Appropriations Act, 2001, requires that a minimum of 24 percent of Louisiana's Part D allocation be spent on "medication management, screening, and education to prevent incorrect medication and adverse drug reactions." TAM 01-01 lists additional services that may be funded under III-D. It established an important new program, the National Family Caregiver Support Program (NFCSP). The purpose of the program is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.

APPENDIX E: OLDER AMERICANS ACTS SUMMARY

Title I: Declaration of Objectives: Definitions

Sets out broad policy objectives oriented toward improving the lives of all older Americans in areas related to income, physical and mental health, housing, long-term care and transportation.

Title II: Administration for Community Living

Established the Administration for Community Living on Aging (ACL) within the U. S. Department of Health and Human Services as the chief federal agency advocate for elders and administrators of the grants provided by the Act.

Title III: Grants for State and Community Programs on Aging

Authorizes supportive services, nutrition services, and multi-purpose senior centers through a nationwide network of state and Area Agencies on Aging. Title III receives most of the Act's total Federal funding. The program supports 57 State Units on Aging, more than 650 Area Agencies on Aging, and over 25,000 service providers organizations.

The following parts of Title III are funded through Area Agencies on Aging.

Title III-B: Supportive Services and Senior Centers Funds

Supportive services such as information and referral, counseling, homemaker, recreational services, education and training, transportation, residential repair and renovation, case management, escort services and legal services. Title III - B funds may also be used for acquisition, alteration, or renovation of multipurpose senior centers.

Title III-C: Nutrition Services

Part 1: Congregate Nutrition Services - authorizes the establishment and provision of at least one hot or other appropriate meal per day, five or more days a week, provided in a congregate setting. Nutrition education and other nutrition services may also be provided.

Part 2: Home-Delivered Nutrition Services -- authorizes funds for the provision of at least one home-delivered meal, five or more days a week to homebound elders.

Title III-D: Disease Prevention and Health Promotion

The 2000 Older Americans Act amendments re-designated Title III, Part F - Disease Prevention and Health Promotion Services as Title III, Part D. An important change to note is that the Consolidated Appropriations Act, 2001, requires that a minimum of 24 percent of Louisiana's Part D allocation be spent on "medication management, screening, and education to prevent incorrect medication and adverse drug reactions." TAM 01-01 lists additional services that may be funded under III-D.

Title III-E: National Family Caregiver Support Program

The enactment of the Older Americans Act Amendments of 2000 established an important new program, the National Family Caregiver Support Program (NFCSP). The program was developed by the Administration on Aging (AoA) of the U.S. Department of Health and Human Services. The purpose of the program is to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers.

Title IV: Training, Research, and Discretionary Projects and Programs

Supports training, research, and demonstration activities in the field of aging. The purpose of the title is to expand the nation's knowledge and understanding of aging, to design and test innovative ideas in programs and services for elders, and to help meet the needs for trained personnel in the field of aging.

Title V: Community Service Employment for Older Americans

Supports a Senior Community Service Employment Program benefitting low-income elders age 55 and older. Funds to operate the program are awarded by the U.S. Department of Labor to 10 national organizations and to State agencies (which receive 78% and 22% of funds respectively). Participants are paid the higher of the Federal or State minimum wage or the prevailing rate of pay for similar employment and work in a variety of community service activities such as senior centers, health care, and education.

Title VI: Grants for Native Americans

Authorizes a separate program for supportive and nutrition services for older Native

Americans and Native Hawaiians. Native American tribal and Native Hawaiian organizations are eligible for funds if they represent at least 50 Native Americans or Native Hawaiians who are age 60 or older.

Title VII: Elder Rights (created by the 1992 OAA Amendments)

Consolidates and strengthens elder rights provisions in the areas of elder abuse (formerly Title III-G), prevention, long-term care ombudsman services, legal assistance, and outreach and public benefit and insurance counseling programs.

The Four Programs under Title VII

Title VII authorizes funding for four advocacy programs previously included in Title III. **The Long- Term Care Ombudsman Program** requires states to establish and operate an Office of the State Long-Term Ombudsman. The Ombudsman Program identifies, investigates, and resolves complaints made by or on behalf of residents of nursing, board and care, and similar adult care homes; address major issues which affect residents; works to educate residents, nursing home personnel and the public about resident rights and other matters affecting residents; and performs other functions specified in the Act to protect the health, safety, welfare and rights of residents.

Programs for Prevention of Elder Abuse, Neglect, and Exploitation--requires states to develop and enhance programs for the prevention of abuse, neglect, and exploitation. The section enumerates activities which States may undertake, including but not limited to providing funding for public education, ensuring the coordination of services provided by area agencies on aging and adult protective services agencies, promoting the development of information and data systems, and training of individuals and professional in the identification, prevention and treatment of abuse, neglect, and exploitation.

The State Elder and Legal Assistance Development Program builds upon state legal and elder rights development programs which were initiated through AOA Title IV discretionary funds and addressed in Title III, Section 307n (a)(18). Section 731 requires the state agency to establish a program to provide leadership for improving the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system. The State is to establish a focal point for conducting policy review, analysis and advocacy on such issues as guardianship, age discrimination, pension and health benefits, insurance, protective services, public benefits, and dispute resolution. In addition, the State is to provide a legal assistance

developer and other personnel sufficient to ensure state leadership in securing and maintaining legal rights of older individuals; state capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen and other persons as appropriate; and state capacity to promote financial management services for persons at risk of conservatorship.

The Outreach, Counseling, and Assistance Program for Insurance and Public Benefits requires the states to establish programs of outreach, counseling and assistance to older individuals related to obtaining insurance benefits to which they may be entitled. This chapter envisions a statewide network of informed staff, including volunteers, who are informed about insurance and public benefits and can assist older people and their advocates - including the advocates working under other Title VII programs - to obtain needed benefits and make informed decisions on insurance and pension matters. In addition to funds distributed to States by AOA based on a formula which considers a state's population age 60 and older, states receive assistance from the U.S. Department of Agriculture (USDA) in the form of commodities or cash-in-lieu of commodities for supportive services and nutrition programs.

REFERENCES

BOARD MEMBER MANUAL - Aspen Publishers, Inc.
200 Orchard Ridge Drive, Suite 200
Gaithersburg, MD 20878
1991, Page 3; 1995, Pages 55 and 56

PARLIAMENTARY PROCEDURE
Louisiana Cooperative Extension Service
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