

9571.0030 DESIGNATION OF COMMUNITY ACTION AGENCIES.

Subpart 1. **Authority to designate.** The designation of a community action agency must be made by the political subdivision or combination of political subdivisions having jurisdiction over the entire area to be served. A designation must be made by the governing body of a political subdivision whose boundaries are at least coextensive with the proposed service area. The power to designate may not be delegated.

Subp. 2. **Notice and documents.** Before a designee may be designated as a community action agency by a political subdivision, the governing body of the political subdivision having the requisite authority must prepare and file with the department a notice of intent to designate and eligibility documents applicable to the designee. The notice of intent to designate must state how the designee meets the requirements for an eligible entity established under the Community Services Block Grant Act. Eligibility documents are the following:

- A. evidence of designee's incorporation or proposed efforts toward incorporation, if applicable;
- B. evidence of tax exempt status or proposed efforts toward achieving tax exempt status, if applicable;
- C. assurance of compliance with the act, including requirements for the composition of the designee's existing or proposed board of directors;
- D. a statement that describes the proposed area to be served; and
- E. a proposed mission statement.

Subp. 3. **Notice of public hearing.** After the notice of intent to designate and the eligibility documents have been filed with the department, the governing body must hold a public hearing on the proposed designation. Notice of the hearing must be given according to items A to D.

A. At least 30 calendar days before the hearing date, the governing body must send a copy of the notice of intent to designate and information on the date, time, location, and subject matter of the public hearing to all local units of government within the designee's intended service area. During the 30 days before the hearing, the affected local units of government will have an opportunity to respond in writing to the proposed designation. All comments received will be included in the official record of the hearing.

B. During the 30-day period and at least ten calendar days before the hearing, the governing body must also publish a notice of public hearing in a daily newspaper of general circulation at the county seat of each county in the designee's proposed service area. The published notice must describe the time, date, location, and subject matter of the public hearing.

C. The governing body must inform the department of the public hearing at least 30 calendar days before the hearing date.

D. Within the 30-day period and at least ten calendar days before the public hearing, the department must mail notice of the public hearing to all low-income households identified in the proposed service area. This mailed notice must contain the date, time, location, and subject matter of the public hearing. Identified low-income households are those specified on the previous community action agency's list or lists of clients.

Subp. 4. **Public hearing.** A public hearing must be held 30 calendar days before designation may occur. If the area to be served by the designee includes more than one county, a public hearing in conformity with this part must be held in each county to be served.

Subp. 5. **Hearing procedure.** The governing body will appoint a presiding officer to conduct the public hearing. The governing body, however, may not appoint one of its current members as the presiding officer. The presiding officer will not have a vested interest in the outcome of the proposed designation and will ensure that all persons involved in the hearing are treated fairly and impartially. At the public hearing, the representative of the designee and a representative of the governing body will make an affirmative presentation of facts establishing the designee's qualifications, expertise, and experience in providing community action program services to low-income people. Furthermore, the designee's representative will describe the mission of the community action program, the focus and direction of proposed services, and the goals for outreach to and participation by low-income people. The designee may rely upon facts presented by others on the record during the hearing to support its proposed designation. At the hearing, any interested person will be given the opportunity to present testimony and to ask questions of the designee's representative and of the governing body's representative. Furthermore, any interested party may submit written comments or exhibits.

Subp. 6. **Official record.** An official record of the hearing consisting of an electronic recording and minutes of the proceedings must be kept. The official record must also include all testimony, written comments, and exhibits received pertaining to the proposed designation. The hearing record must remain open to receive written comments and exhibits for 20 calendar days following the date of hearing.

Subp. 7. **Official resolution.** Once the official record of the public hearing is received and 30 calendar days have passed from the date of the hearing, the governing body may act to designate the designee as a community action agency. The governing body must pass a resolution designating the designee as a community action agency if after review of the official record the governing body finds that:

A. the opinion of the community was fairly and impartially expressed;

B. the opinion of low-income people in particular was actively encouraged, representatively sampled, and fairly expressed during the whole process;

C. the designee established the qualifications, expertise, and experience necessary to be an effective community action agency; and

D. the designee's proposed mission, services, and goals were supported by testimony and written comments received as a result of the public hearing process.

Subp. 8. **Review by department.** Before provisional recognition may occur in part 9571.0040, subpart 1, the governing body must have submitted to the department for review copies of the following documents:

A. eligibility documents required in subpart 2;

B. official resolution of the governing body designating the designee;

C. notices of public hearing and a list of all publications and dates of publication of notices of hearing;

D. list of all local units of government sent copies of the notice of intent to designate and the notice of public hearing, including any responses received;

E. affidavit of service of the notice of public hearing upon low-income households identified in the service area; and

F. official record of the hearing.

Subp. 9. **Costs.** Costs attributable to the designation process, including costs associated with public hearings other than contested case hearings, are the responsibility of the governing body.

Statutory Authority: *MS s 256.01; 268.0122; 268.021*

History: *16 SR 2319; 33 SR 1300*

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