Introduction to the Board’s Role and Responsibilities in an Era of CSBG Organizational Standards and ROMA Next Generation

Presented by:
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Board Training Opportunities
This Week

You are welcome to attend any session!
These are sessions developed with board members in mind...

Wednesday
• Introduction to Board Roles and Responsibilities 10:45-12:15
• Developing and Implementing an Outcomes-Based Strategic Plan 2:00-5:00
• Finance for Non-Finance Leaders 2:00-5:00

Thursday
• Board Development and Engagement 9:15-12:15
• The Board’s Role in Financial Oversight 2:00-5:00
• Working with Your Board on Resource Development 2:00-5:00

Friday
• Top Ten Risks Facing Community Action Agencies 10:00-11:15
The Promise of Community Action

Community Action changes people’s lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community and we are dedicated to helping people help themselves and each other.
Community Action Action Network

1000+ Agencies  |  44 State Associations  |  50+ State CSBG Offices| National Partners
More than 15 million served

Community Action changes people’s lives, embodies the spirit of hope, improves communities and makes America a better place to live. We care about the entire community and we are dedicated to helping people help themselves and each other.
What can change the world today is the same thing that has changed it in the past—an idea and the service of dedicated, committed individuals to that idea.

— Sargent Shriver
Board Members

• Why do board members serve?
• What do CAAs expect from them?
• What do board members expect from the CAA?
• What do board members give to the CAA?
• What do board members get from board service?
“Greatness is not a function of circumstance. Greatness, it turns out, is largely a matter of conscious choice and discipline.”

— Jim Collins
Mission and Board Service

• The mission establishes the purpose to which the CAA resources are to be devoted
• Board members are charged with carrying out their duties:
  – In good faith
  – With the care an ordinarily prudent person in a like position would exercise under similar circumstances
  – In a manner the director reasonably believes to be in the best interests of the corporation
Board Roles and Responsibilities

• Duties of Care, Loyalty, and Obedience
• Financial Oversight
• Personnel
• Board Development
• Fund Development
• Strategic Planning
• Program Performance
• Advocacy
Financial Oversight Resource

Tools for Top-Notch CAAs: A Practical Approach to Governance and Financial Excellence

Tools for Top-Notch CAAs:
A Practical Approach to Governance and Financial Excellence

2017 Edition

Table of Contents

Preface: Compliance with the CSBG Organizational Standards ................................................................. 1
Section 1: Making Board Meetings Matter ........................................................................................................... 5
Section 2: Improving a CA’s Financial Capacity .................................................................................................. 29
Section 3: Creating the Annual Operating Budget ............................................................................................... 67
Section 4: Getting the Most Out of Your Financial Statements ............................................................................ 83
Section 5: Dealing with Conflicts of Interest ....................................................................................................... 107
Section 6: Adopting a Whistleblower Policy ..................................................................................................... 121
Appendix: Challenges and Solutions for Rural/Small CAs ............................................................................. 135
Appendixes ....................................................................................................................................................... 145
Current Challenges and Expectations
Current Challenges

• Increased need
• Federal and state budget cuts
• Political environment
• Head Start competition
• Negative publicity
• Heightened funding source expectations
Current Challenges

• Increased emphasis on:
  – High-performance organizations
  – Directing resources to organizations that can most effectively serve high-need communities
  – Evidence-based practices
  – Accountability
    • Finance and governance
    • Outcomes-ROMA Next Generation
    • CSBG Organizational Standards
What is the Role of the Community Action Agency Board?
CAA Boards (IM 82)

- Sections 676B of the Community Services Block Grant Reauthorization Act of 1998 requires that, as a condition of designation, private nonprofit entities and public organizations administer their CSBG program through tripartite boards that “fully participate in the development, planning, implementation, and evaluation of the program to serve low-income communities.”
Board Fiduciary Duties of Care, Loyalty, and Obedience

- Board members are fiduciaries. They have the duty to act for someone else’s benefit and hold the agency’s interest ahead of their own
  - **Care**: Reasonable person standard
  - **Loyalty**: Faithfulness to CAA and its mission
  - **Obedience**: Obey the law, bylaws, contracts, board decisions, etc.

See page 9 for more on Fiduciary Duties
Board Members are Fiduciaries

• Board members have a duty to the interests of the organization ahead of their own
• You represent the public’s interest
• You are responsible for the financial oversight and legal functioning of the Community Action Agency
• You are the legal entity
• You need to ensure board minutes reflect decisions-these are the legal documentation of board action
Duty of Care

Board members have a duty of care to act in “good faith” using the degree of “diligence, care, and skill” as “an ordinarily prudent person” would in a like position and under similar circumstances.

• The “Pay Attention” Duty
• Be attentive, diligent and thoughtful
• Be familiar with organization's activities
• Active preparation and participation in decision making
  – Discuss and dialogue at board meetings
  – Be engaged
  – Ask questions
  – Prep for board meetings
• Attend all board and committee meetings
• Understand the financial position of the organization
The Duty of Loyalty

• Board Members have a duty to be loyal to the organization.
  – Mission
  – Board
  – Avoid Conflicts of Interest

• The “faithfulness” duty

• Must act in the best interests of the organization and its mission

• Have a written conflict of interest policy that is reviewed and signed annually
SECTION 5: DEALING WITH CONFLICTS OF INTEREST

Part I: Conflicts of Interest

Part II: Additional Legal and Regulatory Considerations
The Duty of Obedience

• The board has a duty of obedience to the law, organization by-laws, board decisions, contracts, etc.
• Be obedient to the mission of the organization
• Cannot act in a way that is inconsistent to the organization's goals
• Public Trust that board members will manage funds to fulfill the organization’s mission
• Ensure organization's resources are dedicated to the mission
• Ensure organization complies with reporting laws
Board Members are Expected to:

• Attend board meetings
• Actively prepare for and participate in board meetings
• Understand the financial position and the fiscal documents provided
• Be knowledgeable of the organization's actions
• Do their homework
• Vote on decisions-honor and respect the overall decision of the board
• Avoid conflicts of interest
• Honor the sensitive nature of the work
• Be ambassadors of the mission and organization in the community
CAAs Have a Tri-partite Board

The Community Action’s governing board is structured in compliance with the CSBG Act:

1. At least one third democratically-selected representatives of the low-income community;
2. With one-third local elected officials (or their representatives); and
3. The remaining membership from major groups and interests in the community.
Role of Tripartite Board

- Federal CSBG Act \((42 \text{ U.S.C. } \S \ 9910)\)
  
  - Tripartite board administers CAA’s CSBG program
  
  - Tripartite board must *fully participate in development, planning, implementation and evaluation* of CAA’s CSBG program
Rules Governing Tripartite Boards

- Federal CSBG Act & regs (42 U.S.C. § 9910)
- For some states, State CSBG statute & regs
- CSBG contract with state
- CAA's Articles of Incorporation & Bylaws
- State Nonprofit Corp. Act
- If applicable, Head Start Act (42 U.S.C. § 9837(c)(1))
Characteristics of High-Performing, Sustainable Organizations

• Continuously adapt and refine mission to enhance impact
• Align resources to a targeted impact strategy
• Develop revenue strategies that align with mission
• Engage the community
• Maintain a results focus supported by data
• Demonstrate a commitment to accountability
• Focus on financial & program sustainability
Board Key Roles and Responsibilities

- Financial Oversight
- Personnel
- Board Development
- Fund Development
- Strategic Planning
- Program Performance
- Advocacy
The Board Acts as Body But Has Many Moving Parts

- Board of Directors
- Board Committees
- Board Chair
- Officers
Board Chair

• Leads board meetings

• Works with executive director (and executive committee, if applicable) to plan meeting agendas

• Supports and acts as sounding board for executive director

• Acts as spokesperson for board
  – If given that authority by the board
Board Chair

• Works with governance/board development committee and ED to identify and recruit new board members

• Identifies board members for future leadership positions and helps them develop leadership skills

• Good idea to have term limits for board chair
Board Officers

- Board Chair
- Vice Chair(s)
- Treasurer
- Secretary
Active Committees

• Clearly define each committee’s role and authority
• Get the appropriate people on each committee
• Be sure committees meet as often as needed
• Give committees meaningful assignments in between board meetings
• Have written committee charges

See pages 19 and 31 for more information on board committees!
Look at Your Committees

- Executive
- Finance/Audit
- Personnel
- Board Development
- Fund Development
- Program/Planning/Evaluation
- Strategic Planning
- Other?
- Standing Ad Hoc?
High Risk Areas for Community Action Agencies

- Financial Management
- Governance
- Program Performance
- Human Resources
- Leadership
  - Board and Management
Financial

- Fraud/Theft
- Allowable expenses
- Internal Controls
- Quality of reporting to the Board
- Budget approved by the Board
- Budget to Actual Reporting
- Limits of the Audit and Auditor
- Procurement
Fiscal Oversight

• Ensure resources to achieve mission
• Full board is responsible, not just the Treasurer or Finance Committee
• Protect assets and provide proper fiscal oversight
• Review Financial health of the CAA
Fiscal & Program Sustainability

• Finance and Program cannot be separated—they are interconnected

• Community Action Agencies build our organizations for Mission and Community Impact

• Every decision CAA leaders make affects both financial and programmatic sustainability, each impacts mission and money
  – Programmatic elements of sustainability—programs are relevant and are having an impact
  – Financial elements of sustainability—CAA has sufficient working capital for its needs and activities

Source: Nonprofit Sustainability: Making Strategic Decisions for Financial Viability
Governance

• Board process and functioning
• Board independence
• Quality of board reporting
• Quality of board engagement
  – Quorum
  – Meeting frequency
• Tri-partite Requirements
Human Resources

• Personnel Policies
• Hiring, Evaluation, and if necessary Termination
• CEO/ED
  – Contract or At Will
  – Evaluation
• Payroll taxes and other withholdings
• Volunteer vs. staff
• FLSA
Board-ED/CEO-Staff Relationship

Board

Executive Director/CEO

Staff

Committees

Policy Setting

Policy Implementation
Critical Relationships

- Board of Directors
- Board Committees
- Executive Committee
- Board Chair

Executive Director
Critical Relationship:
Board Chair-ED/CEO

IV. EXECUTIVE DIRECTOR AND BOARD CHAIR RELATIONSHIP

The board chair and executive director work closely together to ensure that all board members and senior management are receiving the information they need to execute their respective responsibilities.

A. Establishing the Roles and Responsibilities

The responsibilities of the board chair often include:

- Working with the executive director (and executive committee, if applicable) to establish the agenda for board meetings;
- Acting as the liaison between the executive director and the full board;
- Serving as the spokesperson for the full board (if authorized by the board);
- Convoking and conducting regular board meetings and ensuring a quorum is established;
- Moderating and facilitating board discussions to encourage varying points of view; and
- Helping to organize and lead new member orientations (with the executive director and governance committees).

The specific positions, titles, and duties of an organization's officers, including the board chair, should be set forth in the CAA's bylaws. For nonprofit CAA's, the majority of state nonprofit corporate laws require officers of a nonprofit board to include a president, secretary, and treasurer; in addition to any other position that the board may wish to designate. A board president is often referred to as the CAA chair. If state nonprofit corporate laws require a president, but a CAA has a board chair, the CAA should specify in its bylaws that the board chair serves as the president for purposes of the state’s corporate laws. The board chair, along with the other officers, is elected by the board. Officers typically serve for an annual term, but the bylaws may specify a longer term for public CAA's; a local ordinance, if one exists, establishes the authority of the tripartite board and its bylaws to govern the designation and selection of officers of the board.

B. Cultivating a Partnership

The chair may work with the executive director to help him/her navigate and achieve the goals and objectives established for the executive director by the full board or a board committee. The chair often serves as a sounding board for the concerns of the executive director. When the executive director is under stress or experiencing some difficulty in communicating with board members.
Leadership

• Board and Management
• Tone at the Top
  – Compliance
  – Ethical Behavior
  – Avoiding Conflicts of Interest
Boards, ROMA, and Organizational Standards
ROMA

Results Oriented Management and Accountability
CSBG Act: Private nonprofit entities and public organizations administer their CSBG program through tripartite boards that "fully participate in the development, planning, implementation, and evaluation of the program to serve low-income communities." ROMA helps us meet that responsibility.

The ROMA Cycle was developed by Julie Jakopic, Creating the Vision, and Barbara Mooney, Community Action Association of Pennsylvania, created “Planning for Results” in 2006 as a guide for a results oriented planning process. Initially for this document, they developed the ROMA Cycle to help contextualize the planning process within the full range of ROMA activities identified in IM 49.
Making Critical Connections

Community Assessment → Strategic Planning → Community Action Plan

The Results Oriented Management and Accountability Cycle

- **Assessment**: Community needs and resources, agency data
- **Evaluation**: Analyze data, compare with benchmarks
- **Planning**: Use agency mission statement and assessment data to identify results and strategies
- **Achievement of Results**: Observe and report progress
- **Implementation**: Services and strategies produce results
The National Community Action Network Theory of Change

Community Action Goals

**Goal 1:** Individuals and families with low incomes are stable and achieve economic security.

**Goal 2:** Communities where people with low incomes live are healthy and offer economic opportunity.

**Goal 3:** People with low incomes are engaged and active in building opportunities in communities.

Services and Strategies

- Employment
- Education & Cognitive Development
- Income, Infrastructure & Asset Building
- Health/Social Behavioral Development
- Civic Engagement & Community Involvement
- Housing

Core Principles

- Recognize the complexity of the issues of poverty
- Build local solutions specific to local needs
- Support family stability as a foundation for economic security
- Advocate for systemic change
- Pursue positive individual, family, and community level change
- Maximize involvement of people with low incomes
- Engage local community partners and citizens in solutions
- Leverage state, federal, and community resources

Performance Management

- How well does the network operate?
- What difference does the network make?
- Local Organizational Standards
- State and Federal Accountability Measures
- Results Oriented Management and Accountability System
- Individual and Family National Performance Indicators
- Community National Performance Indicators

A national network of over 1,000 high performing Community Action Agencies, State Associations, State offices, and Federal partners supported by the Community Services Block Grant (CSBG) to mobilize communities to fight poverty.

This publication was created by NASCSP in the performance of the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Community Services, Grant Number 90ET0451.

NASCSP | ROMA - ROMA Next Generation
CSBG Organizational Standards

- Organizational Capacity
- Trust
- Accountability
- All CAAs
CSBG Organizational Standards

- IM 138
- 58 Private CAAs
- 50 Public CAAs
CSBG Organizational Standards

Organized into three thematic groups

Maximum Feasible Participation
- Consumer input and involvement
- Community engagement
- Community assessment

Vision and Direction
- Organizational leadership
- Board governance
- Strategic planning

Operations and Accountability
- Human resource management
- Financial operations and oversight
- Data and analysis
CSBG Organizational Standards

• Boards = critical stakeholder in assuring adherence to standards
  – Must look beyond basic compliance to assure that CAA meets high standards of quality, accountability and effectiveness

• Board’s primary responsibility is to assure that CAA not only meets all federal and state requirements but also provides high-quality services to low-income community served
  – Must focus on CAAs overall responsiveness to changing community needs and the provision of comprehensive high-quality services designed to reduce poverty and strengthen communities
Vision and Direction

Board Governance

• **Standard 5.1**
The organization’s governing board is structured in compliance with the CSBG Act:
  1. At least one third democratically-selected representatives of the low-income community;
  2. One-third local elected officials (or their representatives); and
  3. The remaining membership from major groups and interests in the community.

• **Standard 5.2**
The organization’s governing board has written procedures that document a democratic selection process for low-income board members adequate to assure that they are representative of the low-income community.
Vision and Direction
Board Governance

• **Standard 5.3**
  The Organization’s bylaws have been reviewed by an attorney within the past 5 years.

• **Standard 5.4 • private**
  The Organization documents that each governing board member has received a copy of the bylaws within the past two years.
Vision and Direction

Board Governance

• **Standard 5.5 • private**
  The Organization’s governing board meets in accordance with the frequency and quorum requirements and fills board vacancies as set out in its bylaws.

• **Standard 5.6 • private**
  Each governing board member has signed a conflict of interest policy within the past 2 years.
Vision and Direction

Board Governance

• **Standard 5.7 • private**
  The Organization has a process to provide a structured orientation for governing board members within 6 months of being seated.

• **Standard 5.8 • private**
  Governing board members have been provided with training on their duties and responsibilities within the past two years.
Vision and Direction

Board Governance

• Standard 5.9 • private

The Organization’s governing board receives programmatic reports at each regular board meeting.
Maximum Feasible Participation
Community Assessment

• **Standard 3.1**
The Organization conducted a Community Assessment and issued a report within the past 3 years.

• **Standard 3.4**
The community assessment includes key findings on the causes and conditions of poverty and the needs of the communities assessed.

• **Standard 3.5**
The governing board formally accepts the completed Community Assessment.
Vision and Direction
Organizational Leadership

• **Standard 4.1**
  The governing board has reviewed the Organization’s mission statement within the past 5 years and assured that:
  1. The mission addresses poverty; and
  2. The Organization’s programs and services are in alignment with the mission.

• **Standard 4.4**
  The governing board receives an annual update on the success of specific strategies included in the Community Action plan.
Vision and Direction
Organizational Leadership

• **Standard 4.4**
The Organization has a written succession plan in place for the CEO/ED, approved by the governing board, which contains procedures for covering an emergency/unplanned, short-term absence of 3 months or less, as well as outlines the process for filling a permanent vacancy.

• **Standard 4.6**
An organization-wide, comprehensive risk assessment has been completed within the past 2 years and reported to the governing board.
Vision and Direction
Strategic Planning

• **Standard 6.1**
  The organization has an agency-wide strategic plan in place that has been approved by the governing board within the past 5 years.

**Standard 6.5**
The governing board has received an update(s) on progress meeting the goals of the strategic plan within the past 12 months.
Operations and Accountability
Human Resources

• **Standard 7.1 • private**
The Organization has written personnel policies that have been reviewed by an attorney and approved by the governing board within the past 5 years.

• **Standard 7.4**
The governing board conducts a performance appraisal of the CEO/executive director within each calendar year.

• **Standard 7.5**
The governing board reviews and approves CEO/executive director compensation within every calendar year.

• **Standard 7.7**
The organization has a whistleblower policy that has been approved by the governing board.
Operations and Accountability

Financial Management

• **Standard 8.1**
  The Organization’s annual audit (or audited financial statements) is completed by a Certified Public Accountant on time in accordance with Title 2 of the Code of Federal Regulations, Uniform Administration Requirements, Cost Principles, and Audit Requirement (if applicable) and/or State audit threshold requirements.

• **Standard 8.2**
  All findings from the prior year’s annual audit have been assessed by the organization and addressed where the governing board has deemed it appropriate.
Operations and Accountability
Financial Management

• **Standard 8.3**
  The organization’s auditor presents the audit to the governing board.

• **Standard 8.4**
  The governing board formally receives and accepts the audit.

• **Standard 8.6**
  The IRS Form 990 is completed annually and made available to the governing board for review.

• **Standard 8.8**
  All required filings and payments related to payroll withholdings are completed on time.
Operations and Accountability
Financial Management

• **Standard 8.7**
  
The governing board receives financial reports at each regular meeting that include the following:
  
  1. Organization-wide report on revenue and expenditures that compares budget to actual, categorized by program; and

• **Standard 8.9**
  
The governing board annually approves an organization-wide budget.

• **Standard 8.13**
  
  A written procurement policy is in place and has been reviewed by the governing board within the past 5 years.
Operations and Accountability
Data and Analysis

• **Standard 9.3**

The organization has presented to the governing board for review or action, at least within the past 12 months, an analysis of the agency’s outcomes and any operational or strategic program adjustments and improvements identified as necessary.
How Will Organizational Standards Impact Board Service

- **Your Duties of Care, Loyalty, and Obedience remain unchanged.** Your current legal requirements to be informed, conduct your duties in a prudent manner, ensure the agency meeting legal compliance, and work as a body remain intact.

- **Board meetings may include additional action items for approval, acceptance, or review.** The CSBG Act calls on boards to be engaged in the development, planning, implementation, and evaluation of CSBG activities. Boards carry out this responsibility through board action and oversight. Given this, the Standards may increase the number of action items you vote on at board meetings over the course of the year.

- **Strategic Planning will be an element of work the board carries out.** Many CAAs regularly conduct Strategic Planning but others do not. The Standards may impact your role in planning and the frequency in which it is conducted.
How Will Organizational Standards Impact Board Service

• **ED/CEO evaluation and compensation setting will be annual activities.** Many CAA boards regularly evaluate their Chief Executive and the Standards will require this as well as the annual update on compensation of the executive.

• **Financial and programmatic reporting may become more frequent.** Most CAAs receive financial and programmatic updates at each meeting and the Standards require it for those that currently do not. In addition, you will be asked to approve an annual agency-wide budget and for some CAAs, this will be new.

• **Customer Satisfaction Data will be collected and reported to you.** Standards related to satisfaction do not call on your CAA to achieve a certain satisfaction level, only that the board and staff collect, review, and use this information in your deliberations and planning.
How Will Organizational Standards Impact Board Service

• **Additional policies may be created.** The Standards call for certain policies and plans to be in place and the board will need to review and approve.

• **Legal review of documents may need to occur.** The Standards include legal review of bylaws and personnel policies periodically.

• **Training and Orientation of board members will occur.** As with any position, good orientation and regular training is important and the Standards provide for both for board members.
What Will Not Change

• Your role on the board has not changed. You maintain the same legal responsibilities.

• You do not need to be onsite to observe the agency’s procedures to ensure that all the Standards are met. You need to maintain your governance role and leave responsibility for operations to your Chief Executive.

• Your board structure does not need to change. There are no term limits, mandated committees, meeting frequencies, or other structural mandates in the Standards.
Boards of Directors/Advisory Boards

- Handouts
- Videos

Community Action Agency Boards of Directors and the CSBG Organizational Standards

The Boards of Directors plays a unique and important role in the life of a Community Action Agency. While staff members transition, founding directors retire, and programs change, the board offers consistency in purpose, intent, and responsibility. The governing board acts as a body, not as individuals, and its members are bound by the Duties of Care, Loyalty, and Obedience, bearing legal liability for their individual actions as well as those of the corporation.
### Community Action Partnership

**YouTube Channel - Board Videos**

COE-developed CSBG Organizational Standards - What Do Boards Need To Know?

- **by Community Action Partnership**
- **10 videos**
- **Updated yesterday**

This series of 10 videos are designed to introduce governing boards of Private (nonprofit) Community Action Agencies to the COE-developed CSBG Organizational Standards. For more information on the Organizational Standards please visit bit.ly/sta. more

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Duration</th>
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<tbody>
<tr>
<td>1</td>
<td>Standards for Boards Introduction</td>
<td>11:36</td>
</tr>
<tr>
<td>2</td>
<td>Standards for Boards - Consumer Input and Involvement</td>
<td>3:56</td>
</tr>
<tr>
<td>3</td>
<td>Standards for Boards - Community Engagement</td>
<td>7:04</td>
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<tr>
<td>4</td>
<td>Standards for Boards - Community Assessment</td>
<td>6:26</td>
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<tr>
<td>5</td>
<td>Standards for Boards - Organizational Leadership</td>
<td>11:59</td>
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Toolkits and Webinars for Each of the Nine Categories

• Additional Guidance
  – Definition
  – Compliance
  – Document
• Beyond Compliance
• Resources
• Assessment Scales
Tools Already Available to Help CAAs Meet the Standards
CSBG T/TA Resource Center

- www.csbgtta.org
- Many more toolkits, webinars, and print resources
- Consultant Bank
- Training Calendar
- Discussion Forum
- Shared Calendar
- Individual registrations for Board and Staff
www.caplaw.org
Board Self-Training Tool

Community Services Block Grant

Training Tools for Nonprofit Boards

Governance
Tripartite Board Composition and Selection

CAPLAW
Community Action Program Legal Services, Inc.

Community Services Block Grant

Training Tools for Public CAA Boards

Governance
Tripartite Board Composition and Selection

CAPLAW
Community Action Program Legal Services, Inc.
Upcoming National Conferences

CAPLAW

We’ll see you in ALBUQUERQUE
JUNE 20 – 22, 2018

Community Action Partnership

2018 ANNUAL CONFERENCE
AUGUST 28-31, 2018
DENVER, COLORADO
SHERATON DENVER DOWNTOWN
COMMUNITY ACTION: A SOURCE OF STRENGTH
Questions?

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Thank you!