



**MEMORANDUM**

Special Item No. 6

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 14, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution adopting impasse  
procedures for the Head Start  
and Early Head Start Program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

A handwritten signature in black ink, appearing to read 'R. A. Cuevas, Jr.', written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous\_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Special Item No. 6  
7-14-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION ADOPTING IMPASSE PROCEDURES FOR  
THE HEAD START AND EARLY HEAD START PROGRAM

**WHEREAS**, the County is a grantee of the Head Start and Early Head Start Program, which is federally funded and regulated; and

**WHEREAS**, the Board of County Commissioners is the governing body of the Head Start and Early Head Start Program; and

**WHEREAS**, Ordinance 09-31 establishes the Community Action Agency Board as an advisory board to the Board of County Commissioners; and

**WHEREAS**, the Head Start Act, 42 U.S.C. 9837(c), and the Head Start regulations require certain decisions about the Head Start and Early Head Start Program to be shared by the governing body and a policy council comprised of parents and community members; and

**WHEREAS**, 45 C.F.R. 1304.50 Appendix A, a federal regulation, requires the governing body and policy council and delegate agency to approve impasse procedures for resolving internal disputes; and

**WHEREAS**, impasse procedures were approved in 2010 by the policy council and Community Action Agency Board,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the impasse procedures attached to this resolution as Exhibit A are adopted by the Board of County Commissioners, and

the Board of County Commissioners directs the Mayor or Mayor's designee to submit these impasse procedures to Head Start delegate agencies for approval.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                      |                                     |
|----------------------|-------------------------------------|
|                      | Joe A. Martinez, Chairman           |
|                      | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro    | Lynda Bell                          |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz                    |
| Sally A. Heyman      | Barbara J. Jordan                   |
| Jean Monestime       | Dennis C. Moss                      |
| Rebeca Sosa          | Sen. Javier D. Souto                |
| Xavier L. Suarez     |                                     |

The Chairperson thereupon declared the resolution duly passed and adopted this 14<sup>th</sup> day of July, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Estephanie S. Resnik

# Impasse Procedures

**EXHIBIT A**

Parents will be reimbursed ten (10) dollars a meeting up to two meetings a month for expenses incurred in attending the Policy Council/Committee meetings and the sub-committee meetings. Upon request and proper documentation, parents will be reimbursed twenty-five (25) dollars a day for baby sitters when attending out of town conferences and meetings. Other expenses will be considered as deemed appropriate on a case-by-case basis.

**(g) Governing body responsibilities**

(Objective) To establish written policies defining the roles and responsibilities of the governing body.

- (1) The grantee and delegate agencies will have written policies that define the roles and responsibilities of the governing body members and inform them of the management procedures and functions necessary to implement a high quality program.
- (2) The grantee and delegate agencies will ensure that appropriate internal controls are established and implemented to safeguard federal funds in accordance with 45 CFR 1301.13. The grantee will follow all Miami-Dade County fiscal procedures and divide duties among staff.

**(h) Internal dispute resolution**

(Objective) To establish an internal dispute resolution.

The grantee and Policy Council will adhere to the following procedure for resolving internal disputes, including impasse procedures between the governing body and policy groups.

**Policy**

It is the policy of Miami-Dade Community Action Agency Head Start/Early Head Start to resolve all disagreements between any parties in its executive leadership fairly and expeditiously. Whenever possible, disagreements will be resolved through processes of mediation and conciliation, discussion, compromise, and consensus seeking among the parties. If the parties agree that a mediated solution is possible, professional mediation may be employed. Failure of mediation, either formal or informal, to produce agreement will result in binding arbitration.

**Definitions**

*Executive Leadership.* This will include the grantee governing body Community Action Agency; the Head Start/Early Head Start Policy Council, the Executive Director of the Community Action Agency or designee, and the Head Start/Early Head Start Director.

*Disagreement.* An internal dispute exists when two or more groups or individuals who share the formal approval/disapproval function as defined in Appendix A of the Head Start Program Performance Standards fail to agree.

*Impasse.* A situation resulting when formal and/or informal processes of mediation fail to produce agreement.

### **Procedure**

*Parliamentary Procedure.* The business of the governing and policy groups resulting in formal approval/disapproval of recommendations will be conducted using parliamentary procedure. Parliamentary procedure shall ensure that the majority rules and ensures the rights of the minority to be heard.

*Notification of Disagreement.* When two parties fail to agree, it will be the responsibility of the individual or chairperson of the group which acts last to notify the other(s) within one working day by telephone, mail or electronic means that a disagreement exists.

*Informal Communication.* Within five (5) working days of notification, representatives of the disagreeing parties will meet to discuss informally the disagreement. Each entity will choose 1-2 representatives to meet as a work group to attempt to achieve consensus or compromise. The Executive Director and the Head Start/Early Head Start Director may also attend the meeting. During a meeting not to exceed three (3) hours, the group shall attempt to resolve the disagreement by informal mediation, compromise, consensus seeking, or conciliation. If agreement is reached, representatives will return to their policy groups with the proposed solution. Failure to reach agreement may result in a decision by the work group to engage in professional mediation or to turn the process over to binding arbitration.

*Formal Mediation.* If a simple majority of the group involved through informal communication agrees that professional mediation is warranted, a professional mediator will be contacted. Costs for this service, if any, will be borne equally by the Head Start/Early Head Start program and the Community Action Agency. Mediation should begin within five (5) working days of the decision to pursue formal mediation. If agreement is not reached after four (4) hours of mediation through the formal mediation process, an impasse shall be said to occur and the disagreement shall be bound over for arbitration.

*Notification of Impasse.* It shall be the responsibility of the Head Start/Early Head Start Director to notify in writing or electronically the chairperson of the group(s) and/or individuals involved within one working day that an impasse exists and the matter will be resolved through binding arbitration. If the impasse has the likelihood of leading to termination or denial of funding of the Head Start/Early Head Start grant, the Head Start/Early Head Start Director will be

responsible for notifying the Region IV Administration for Children and Families of the impasse within ten (10) working days.

*Arbitration.* Where there is an impasse between individuals or groups within the executive leadership of Miami-Dade Community Action Agency, the parties will submit the dispute to binding arbitration in accordance with the following rules and procedures:

*Composition of Arbitration Panel.* A panel of three (3) arbiters will conduct the arbitration. In the case of an internal dispute, one arbiter shall be designated by the Community Action Agency and/or the Executive Director and another, the Head Start/Early Head Start program and/or Head Start/Early Head Start Director. Each party shall select its arbiter within five (5) working days of notification of impasse and submit the name, address and other contact information to the Head Start/Early Head Start Director. Failure of either party to designate an arbiter within the specified period shall be a default and shall be considered to be agreement with the other party's action.

A third arbiter, who will chair the panel, will be appointed from a previously agreed list of individuals in good standing in the community, who shall not be related to any of the parties, shall serve without compensation and shall not be associated with the Head Start/Early Head Start program or Community Action Agency. The Head Start/Early Head Start Director shall engage the third arbiter within that same five (5) day period by contacting the person at the top of the list and proceeding until an individual available for the time period required for the arbitration is identified. Once used, the name of that arbiter shall be placed at the bottom of the list to ensure rotation of arbiters.

*Notification of Arbitration.* It will be the responsibility of the Executive Director and Head Start/Early Head Start Director to notify in writing or electronically the chairperson of the group(s) and/or individual(s) involved in the arbitration and each arbiter within one working day of receiving the names of the arbiters representing each party. A meeting of the arbitration panel will be scheduled within five (5) working days.

*Planning and Support.* The arbitration panel will meet within five (5) days of the designation of the last arbiter. The arbitration hearing shall be held at a site determined by the panel with consideration for the convenience of the parties. If travel is required for arbiters to attend the hearing, the parties will divide equally the costs incurred by all arbiters with reimbursement in accordance with the travel regulations governing Community Action Agency employee and non-employee travel. In addition, the parties will divide evenly any expenses incurred to support the hearing and arbitration process, such as clerical support, photocopies, telephone, and fax charges. If the arbiters so request, Community Action Agency will make available to the panel, clerical support to record minutes of the hearing, process correspondence, and provide related services to the arbiters. Prior or during the hearing, the arbiters may request copies of related materials, which will

be provided within two (2) working days of the request. The parties may also prepare such materials they deem necessary and useful to the arbiters in deliberations. Materials provided at the discretion of any party shall be supplied at that party's expense.

*Proceedings.* The duty of the arbitration panel is to resolve the issue of dispute as fairly and expeditiously as possible at the minimum expense to the parties involved. The proceedings of the arbitration panel shall consist of:

- ✓ Oral presentation of the position of each party, including minority views, if any.
- ✓ Response by the parties to such questions of the panel.
- ✓ Informal cross-examination of each party by the other, within the limits established by the panel.
- ✓ Such additional presentation of oral or written materials as the panel deems necessary to fully apprise it of fact relevant for an informed decision. The parties may suggest to the panel additional relevant witnesses or materials that would be helpful to the panel.

*Standard of Conduct.* All parties are obliged to act in good faith throughout the proceedings. Parties may not communicate with the arbiters once the panel has been constituted except at formal meetings attended by all parties. Any attempt to intimidate or inappropriately influence an arbiter will be reported to Region IV Administration for Children and Families and will result in a default judgment against the party attempting to unduly influence the actions or decision of any arbiter. Refusal to comply with directions, continued use of delaying tactics by any person at a hearing or preparing information will constitute grounds for immediate exclusion of such person from the hearing by the chairperson and/or mandatory disciplinary action of an employee whose behavior disrupts the proceedings or the work of the panel.

*Compromise.* The arbitration procedure does not preclude the parties from resolving their differences through compromise and reaching a settlement, as long as the panel has issued no final decision.

*Representation of the Parties at the Hearing.* Each party will designate one and only one representative at the proceedings. However, the panel may call other individuals witnesses.

*Open Meetings.* The proceedings of the arbitration panel will be open unless the panel is dealing with personnel issues or sensitive/confidential information. The panel shall have the right to conduct its deliberations in closed session.

*Decision.* The arbitration panel will use all available information to make its decision. The panel will have no more than five (5) working days following the end of the proceedings to reach a decision. The decision of the arbitration panel will be binding on all parties.

*Post-hearing Procedures, Notification, and Implementation of Decision.* The arbitration panel will issue its decision in writing within two (2) working days of the decision. It will be the responsibility of the chairperson of the arbitration panel to have copies sent immediately to each party, and the Head Start/Early Head Start Director and Executive Director. If the impasse had the likelihood of leading to termination or denial of funding of the Head Start/Early Head Start grant and the Region IV Administration from Children and Families was notified of the impasse, it will be the responsibility of the Head Start/Early Head Start Director and/or Executive Director to forward a copy of the decision to the Regional Office.

Failure to abide by the final decision by any party is grounds for denial of the application for refunding, for suspension and termination or financial assistance, or for denial of application amendment to the budget or program plans. In this event, it is the responsibility of the Head Start/Early Head Start Director and/or the Executive Director to notify the Region IV Administration for Children and Families of the party's failure to abide by the arbitration panel's binding decision. Each delegate agency will develop its own procedure for internal dispute resolution.

**1304.51 – Goal Statement – The Program will develop and implement a systematic, ongoing process of planning.**

**(a) Program Planning**

(Objective) To utilize meetings, workshops, and surveys to solicit information from the Community Action Board, Policy Council (Committee), service providers, parents, staff, and other appropriate entities.

(1) The Grantee will develop and implement a systematic, ongoing process of planning that may include meetings, workshops, and questionnaires to solicit information from the Community Action Board, Policy Council, Health Providers, Miami-Dade County Public Schools, State of Florida Department of Children and Families, The Deeman Alliance, the Human Service Coalition, staff and other appropriate entities.

(i) Head Start/Early Head Start will conduct a Community Assessment within the Miami-Dade County Service area every three years. Completion of the Community Assessment will allow the program to collect data about community strengths, needs, and resources. The data will be used to make decisions about the way