



KIM JOHNSON  
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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GAVIN NEWSOM  
GOVERNOR

# 8.1 6/10/24

June 10, 2024

Kimberli Smith, Deputy Director  
Fresno County, Child Welfare Services Branch  
380 W. Ashlan Avenue  
Clovis, CA 93612

Via email and USPS mail

**SUBJECT: BOARD OF DIRECTOR OR GOVERNING BODY STATEMENT**

Dear Kimberli Smith:

This letter provides clarification regarding the California Department of Social Services' (CDSS) licensing requirements regarding to the identification of the Board of Directors or governing body for the Fresno County (County) Transitional Shelter Care Facility (TrSCF) and the completion of the LIC 9165 Form related to the pending application for licensure of the UMC Mod-C.

Pursuant to the Essential Terms Agreement, the County is agreeing to be governed by the Operating Standards and ensure compliance with all applicable laws and regulations. (TrSCF OS, Chapter 12, V1, § 86600, eff. Feb. 2023.) Generally, children's residential congregate care facilities are run as not-for-profit and have a board of directors or governing body in place to ensure adequate oversight and accountability. As such, the requirements for directors as described in Health and Safety Code (HSC) section 1520.1, have been incorporated into the TrSCF Operating Standards. (TrSCF OS, *supra*. at 86663.) As noted in Operating Standards section 86663, subdivision (a)(3)(A), a county-operated TrSCF may elect to have the Board of Supervisors serve as the "board of directors" of the facility, or "may appoint no fewer than three individuals to serve as board of directors."

In order to complete the application for TrSCF licensure, the County must identify the Board of Directors or governing body of the TrSCF. Once identified, CDSS is required to distribute to the prospective directors a booklet that gives guidance as to the roles and responsibilities of a Board of Director, or governing body. (See HSC 1520.1(b).) This guidebook developed by the Department is the *Facts You Need to Know, Group Home and Short-Term Residential Therapeutic Program Board of Directors* (PUB [326](#)) and was provided to the County for distribution to the identified Board of Directors. Not all of the facts or the Corporations Code sections described in the booklet apply to a County Board of Supervisors or designated governing body, as the County is not a not-

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for-profit corporation. The purpose of the booklet is to provide the board of directors with general information about their duties and responsibilities and to enhance their knowledge. The specific requirements for the UMC Mod-C Board of Directors duties and responsibilities in oversight are as described in the Health and Safety Code and TrSCF Operating Standards.

To complete the application for TrSCF licensure, each member of the Board of Directors or governing body must complete a [LIC 9165 Form](#), acknowledging receipt of the booklet, attesting to having read the guidance, and understanding the duties and obligations as required for a governing body. As previously communicated to the County, the individuals who sign the LIC 9165, are the individual Board of Supervisors who will serve in the role of the TrSCF Board of Director, or the governing body designated by the Board of Supervisors (a minimum of three members).

The CDSS welcomes the opportunity for continued collaboration by engaging in ongoing technical assistance to support the County. If you have any questions about the requirements of the Board of Directors, please contact, Assistant Chief Counsel Rachel Raymond at 916-657-1635, or by email at [Rachel.Raymond@dss.ca.gov](mailto:Rachel.Raymond@dss.ca.gov).

Sincerely,

*Nelson Martinez*

Nelson Martinez  
Regional Manager  
Community Care Licensing Division

cc: Daniel C. Cederborg, County Counsel  
Libby Hellwig Teague, Deputy County Counsel