San Bernardino City and County
Continuum of Care CA-609

Governance Charter

Proposed Update
October, 2026

CHARTER REVISION TRACKING PAGE

Version	Date	Sections Edited	Level of Change
7.2024	7.17.2024	Chap. 2,3, 8	Substantive updates to Brown Act compliance.
7.2024.1	7.24.2024	Chap. 3, pg.4	Number of Service Provider Seats 5 or 6.
7.2024.1	7.24.2024	CoC Charter	Adopted, as follows.
9.2026.1	9.15.2026	All	Consecutive pagination
10.2026.1	9.15.2026	Chapters 1,2,3,4,8,9,10	Annual review for Clarifications and internal consistency

Note:

- **Chapters are designed to address primary components.**
- **The 2026 proposed revisions create a single document with consecutively numbered pages throughout the Charter document.**

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Chapter 1: Introduction and Purpose

Introduction

This chapter provides an introduction to and a general overview of the Continuum of Care (CoC).

References

The following references are applicable to the information in this chapter:

- 24 CFR 578.7(a)(3)
- McKinney-Vento Homeless Assistance Act, Title IV, part C. (42 USC 11381-11389)
- Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act): Continuum of Care Program, 77 Fed. Reg. 45422, July 31, 2012 (24 CFR §578) (referred to as the CoC Program Interim Rule).

Overview

Annually, the U.S. Department of Housing & Urban Development (HUD) awards federal homeless assistance grants through a competition among organizations that participate in local homeless assistance program planning networks. These networks, referred to as Continuums of Care (CoCs), work to address homelessness by identifying community- specific needs and responding with a coordinated system of housing and services. The approach is predicated on the understanding that homelessness is not caused merely by a lack of shelter, but involves a variety of underlying, unmet needs and conditions – physical, economic, and social.

The CoC program is authorized by the McKinney-Vento Homeless Assistance Act and implemented through HUD. Communities that receive funds under the HEARTH Act have specific responsibilities which are described in Interim Rule[1]

At the federal level, the CoC program is intended to:

- Promote a communitywide commitment to the goal of ending homelessness.
- Provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness.
- Promote access to and effective utilization of mainstream programs by homeless individuals and families.
- Optimize self-sufficiency among individuals and families experiencing homelessness.

To these ends, HUD requires communities to establish, organize, and operate a system of care to carry out the responsibilities described in the Interim Rule. At the local level, the CoC is the group composed of representatives from relevant organizations to the extent these groups are present in the geographic boundaries of the CoC:

[1] Federal Regulations at 24 CFR 578 are known as the Interim Rule.

- Advocates
- Affordable housing developers
- Businesses
- Faith-based organizations
- Governments
- Homeless and formerly homeless persons
- Hospitals
- Law enforcement
- Mental health agencies
- Nonprofit homeless service providers
- Persons with lived experience
- Organizations that serve homeless and formerly homeless veterans
- Public housing agencies
- School districts
- Social service providers
- Universities
- Victim service providers

Regulations charge the CoC with specific actions and responsibilities. These include the development, following and annual update of a:

- Governance Charter, including all policies and procedures needed to comply with the Interim Rule.
- Data system, referred to as the Homeless Management of Information System (HMIS), as prescribed by HUD.
- Code of conduct and recusal process.

At the Local Level, stakeholders (invested organizations and persons) echo the federal intents and note that system performance outcomes, such as reducing homelessness, improving system flow, and increasing access and exits to permanent housing, and meeting the customized needs of the diversity of persons living in homelessness are indicators of success.

Structural Components

There are several structural components of the CoC including:

- Community Stakeholders – Individuals and organizations throughout the community who are interested in the issues of homelessness within the CoC area.
- General Membership – Representatives from the relevant community stakeholders who are registered members of the CoC. In addition to the relevant organizations named in the Interim Rule, the General Membership includes community stakeholders who are invested in ending homelessness in the region. Examples include (but are not limited to) private foundations, philanthropists, labor and employment organizations, and fraternal organizations.
- Board – Persons selected via the authorized process to represent the CoC stakeholders and participate as required by the Interim Rule.
- Collaborative Applicant – The legal entity and eligible applicant selected to apply for HUD federal funding on behalf of the CoC (the Membership is not a legal entity and therefore not eligible to apply for funding). The Collaborative Applicant holds responsibilities associated with the CoC Application and reporting processes.
- Homeless Management of Information System (HMIS) Lead Agency – An eligible applicant selected as the responsible entity for the compliance, management, and operations of the HMIS, CoC data systems, and a comparable database for victim service providers, as described in HUD regulations; and satisfying all HUD Data Exchange (HDX) reporting requirements.
- Coordinated Entry System (CES) Lead Agency – The entity responsible for the compliance, management, and operations of the CoC-approved Coordinated Entry System.
- Emergency Solutions Grant (ESG) Jurisdictional Recipients – Jurisdictions identified by HUD as eligible direct recipients of ESG funds.

- State Administrative Entity – A legal entity meeting the State of California criteria for applying for and managing funds designated to the CoC from various state homeless programs.
- Administrative Agent - Title used for the legal entity selected to perform the functions of both the CoC Collaborative Applicant and the State Administrative Entity.
- Persons with Lived Experience –Persons with Lived Experience – Refers to individuals with current or prior personal experience of homelessness or were consumers or participants in the homeless response system. The CoC recognizes that persons with lived experience possess expertise and insight essential to designing, evaluating, and implementing an effective system of care. There are two Board Seats dedicated to persons with lived experience.

Local Components Added to the Structure

To ensure implementation of responsibilities and duties and given the geographic size and diversity of the stakeholders in SBC County, the CoC has chosen to create subgroups to assist in designing and operating the CoC. Committees include Regional Steering Committees, Standing Committees, Sub-Committees, Ad Hoc Committees or Task Groups formed by the CoC, the Board, Collaborative Applicant, or the HMIS Lead Agency, or CES Lead Agency in accordance with the Governance Policies for establishing such subgroups. Details regarding the roles and responsibilities of these components are found in Chapters titles with the component name. Descriptions for subgroups are found in Chapter 8: Committees.

Overview of Required Components

Identification and Profile of the CoC

CoC Name

The CoC of the City and County of San Bernardino, CA, which is identified by HUD as "CA-609".

CoC Board Name

SBC CoC Board - The CoC Board (CoC Board).

Geographic Boundaries

The incorporated and unincorporated areas and territories within the geographic boundary of San Bernardino County.

Composition/Structure

Includes the following:

- General CoC Membership
- CoC Board
- Collaborative Applicant
- Coordinated Entry System (CES) Lead Entity
- Homeless Management Information System (HMIS) Lead Agency
- Associated Standing, Regional Steering and Advisory groups, Ad Hoc Committees, Task and Workgroups

Graphic Depiction of CoC Required Components



The **required components** of the CoC system are depicted in the graphic above. The Administrative Agency carries the roles and responsibilities of both the CoC Collaborative Applicant and the State Administrative Entity.

In addition to the required component, various subcommittees, ad hoc and task groups are linked to the required components. A list of Terms and Acronyms associated with the CoC is found in the Appendices.

Levels of Responsibility

Roles and responsibilities for the CoC structural components are organized by component and the requirements of the Interim Rule. A chart summarizing the roles and responsibilities for all structural components is available on the CoC Website.

Conclusion

This Charter offers individual chapters with detailed descriptions for the major components and mechanisms for fulfilling the HUD regulatory requirements for the community to be able to apply for an receive federal Continuum of Care funding. The descriptions begin with Chapter 2: CoC Membership. The Charter begins with this component because the Membership is the group of stakeholders who have chosen to commit to the creation and implementation of a CoC. HUD regulations (24 CFR 578) charge this body with the overall responsibility for establishing and implementing a CoC. This Membership body then forms other components and delegates responsibilities to those components in accordance with the federal regulations.

Chapter 2: CoC Membership

Introduction

This chapter addresses the roles, responsibilities, protocols, and practices related to the Continuum of Care (CoC) General Membership body (Membership).

References

The following references are applicable to the information in this chapter:

- 24 CFR 578.7(a)(3)
- Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act): Continuum of Care Program, 77 Fed. Reg. 45422, July 31, 2012 (24 CFR §578) (referred to as the CoC Program Interim Rule).
- Ralph M. Brown Act: California Government Code § 54950, 1953.

Purpose

The Continuum of Care (commonly referred to as “CoC” or “Continuum”) oversees a community's plan to organize and deliver supportive social services, including housing options, which meet the specific needs of homeless individuals and families. Ultimately, the goal of the CoC is to move homeless people toward stable housing and maximum self-sufficiency. The U.S. Department of Housing and Urban Development (HUD) requires the establishment of a CoC in order to receive federal CoC Program funding.

Composition

The San Bernardino City and County Continuum of Care (SBC CoC) Membership consists of stakeholders who represent local organizations and projects serving homeless subpopulations within the geographic boundaries of San Bernardino County. This includes the following:

- Advocates
- Affordable housing developers
- Businesses
- Faith-based organizations
- Governments
- Homeless and formerly homeless individuals
- Hospitals
- Law enforcement
- Mental health agencies
- Nonprofit homeless assistance providers
- Public housing agencies
- School districts
- Social service providers
- Universities
- Veteran service organizations
- Victim service providers

Membership is extended to additional stakeholders to the extent that they are invested in resolving homelessness in San Bernardino County. This includes, but is not limited to, the following:

- Employment development
- Fraternal organizations
- Organized labor
- Private foundations
- Philanthropists
- Private health organizations

The CoC community includes, but is not limited to, the following people who are homeless or at risk of homelessness:

- Black, Indigenous, and Persons of Color (BIPOC)
- Chronically homeless
- Families with children
- Homeless youth
- Members of the LGBTQ+ community
- Persons who are seriously mentally ill
- Persons with:
  - HIV/AIDS
  - Substance use disorders
  - Physical or developmental disabilities
- Unaccompanied women
- Veterans
- Victims of domestic violence, dating violence, sexual assault, and stalking

The SBC CoC seeks to ensure the participation of diverse stakeholders in community dialogues related to homelessness. As such, all stakeholders are encouraged to attend meetings, participate in discussions, and serve on workgroups and committees as appropriate.

A public invitation within the Geographic Areas of the SBC CoC will be extended at least annually for new members to join in accordance with the regulations.

Expectations of Members of CoC Member Representatives

Each CoC Member is expected to:

- Demonstrate a professional interest in or personal commitment to addressing and alleviating the impacts on individuals experiencing homelessness, and on the community at large.
- Commit to making informed and independent voting decisions.
- Participate in the SBC CoC's Homeless Management Information System (HMIS), if the Member provides direct services (except for victim service providers who are barred by law from participating in the central HMIS but must participate in a comparable database).
- Take part in CoC activities through participation in CoC committees and advisory work groups.
- Participate in the Coordinated Entry System (CES) and follow CES policies.
- Conduct themselves in a manner that supports the CoC principles of decorum.
- Comply with the Code of Conduct (Chapter 9) and Conflict of Interest Rules (Chapter 10).

Each CoC Member is encouraged to:

- Offer their expertise to help ensure the success of the CoC.
- Identify, support, and advocate for program and systemic changes to improve services and outcomes for homeless and at-risk populations.
- Identify and communicate current and emerging needs and funding opportunities related to affordable housing and homelessness.
- Serve as a liaison between the CoC and the member's constituencies.
- Help to engage, inform, and educate the broader community about effective solutions for ending and preventing homelessness.
- Be an active participant in CoC meetings, workgroups, and committees.
- Contribute to efforts to conduct the annual homeless Point-In-Time Count, the count of sheltered and unsheltered people experiencing homelessness required by HUD.

Eligibility and Types of Membership

Membership in the SBC CoC is open to all stakeholders concerned with and/or providing services to the various homeless subpopulations, and who are interested in collaborative, solution-oriented planning to address homelessness in the region. Membership shall be composed of two types:

- **Organizational Member** – Any public, private, non-profit, or for-profit organization, corporation, agency, group, or association interested in supporting the CoC's commitment to ending homelessness.
- **Individual Member** – An individual stakeholder, such as a consumer, advocate, volunteer, or resident interested in supporting the CoC's commitment to ending homelessness. Any individual who is not directly affiliated with an organizational member may become an Individual Member. For the purpose of determining eligibility, direct affiliation is defined as employees, directors, active or long-term consultants or contractors, and volunteers. An individual identified as the delegate for an organization cannot hold a dual membership as an Individual Member. If an individual representative from an organization member leaves that organization, they may apply for an Individual membership.

There are no dues or fees required for membership.

Becoming a CoC Member

Stakeholders become CoC members by:

- Completing an application packet consisting of the following:
  - SBC CoC Membership Application (available on the SBC CoC website)
  - Acknowledgment the CoC's Guiding Principles, Code of Conduct and Conflict of Interest, with an agreement to follow these guidelines,
- Submitting the completed application packet to the Collaborative Applicant (accepted year-round), and
- Registering to the CoC's Membership Distribution List.

Membership is established after the stakeholder's completed application packet submission to the Collaborative Applicant and subsequent receipt of acknowledgement. The Collaborative Applicant, upon receipt of the completed application packet, will add the requestor to the membership roll (after confirming there is no duplication) and provide an acknowledgment of membership.

Members are designated as **non-voting members** until they satisfy the requirements to become a voting member of the CoC.

Becoming a Voting CoC Member

To become a **voting member** of the SBC CoC, the following is required of an Individual Member or the primary delegate of the Organizational Member:

- Submission of a completed application packet (if not completed and submitted previously).
- Completion of the New Voting Member Orientation as provided by the Membership.
- Submission of Certification of Completion of the New Voting Member Orientation to the Collaborative Applicant/Secretary.
- Attendance at three CoC meetings in the prior 12 months. This can be a combination of the CoC General Membership or subregional meetings but must include at least one CoC General Membership meeting.

Voting Privileges and Limitations

An **Organizational Member** is entitled to possess and exercise a maximum of one (1) vote on matters concerning the ongoing business of the CoC. Each organization must select a/an:

- Primary delegate who will vote for the organization.
- An alternate delegate who would be present to cast the member's vote in the absence of the primary voting delegate. The designation of the alternate for an organization should be submitted in writing to the CoC Chair on the organization's letterhead prior to a meeting in which the alternate is authorized to vote.

Paid employees/consultants/contractors/volunteers of a voting organization, who are the designated representatives for that organization, are not allowed to also join the CoC as a voting Individual Member.

An **Individual Member** shall possess and exercise a maximum of one (1) vote on matters concerning the business of the SBC CoC. Each Individual Member

- Is deemed the primary voting delegate.
- May select an alternate delegate who would be present to cast the member's vote in their absence. The designation of the alternate delegate should be signed and submitted in writing to the CoC Chair prior to a meeting in which the alternate is authorized to vote.

When a voting member is unable to attend a meeting where a vote will take place, the voting member's predesignated alternate delegate is authorized to vote on the member's behalf. The member's alternate delegate must sign into the meeting.

Term, Attendance and Voting Privileges

There is no membership term limit. Members of the CoC who have achieved voting status will retain such status as long as they remain in good standing. To remain in good standing, voting members are required to:

- Attend not less than three (3) CoC General Membership or regional meetings in a calendar year (at least one of the meetings attended must be a CoC General Membership meeting);
- Annually sign the Code of Conduct and Conflict of Interest acknowledgement forms; and

- Participate in mandatory trainings as announced by the CoC Membership, including issue such as orientation or policy/process updates.

Regularly scheduled meetings include those that are on the annual meeting schedule and publicly announced by the CoC or regional meeting leadership. A website calendar identifies monthly subregional meetings on specific weeks and days of the month.

Attendance at meetings is tracked by member sign-in or through virtual platform attendance lists. However, it is the responsibility of the attendee to ensure they sign in to each meeting.

Each eligible voting member of the CoC can vote on any actionable item that is presented to the CoC membership for a vote, subject to the Conflict-of-Interest Policy. (Chapter 10)

If a member fails to attain the above minimal requirements, they rescind their voting privileges. Voting privileges can be re-established by meeting the requirements above.

The CoC Secretary will maintain a list of members gaining voting privileges, at risk of losing voting privileges, and having lost voting privileges within 30 days following each general membership meeting. This list will be available to members upon request.

Meeting Procedures and Decision Making

Meetings of the full membership will be held at least three times each year, including a designated Annual Membership Meeting. The CoC will designate the Facilitators who will lead the meetings. An agenda of the meetings will be published at least 72 hours prior to the meeting through the Membership Distribution List maintained by the Collaborative Applicant, and through email distribution lists. All meetings are open to the public. Meetings will follow the published agenda and be conducted under the approved Rules of Decorum, founded on Robert's Rules of Order. The record~~ing~~ of minutes and actions will occur and is the responsibility of the CoC Secretary.

At all meetings, voting members should strive to decide on action items by arriving at a consensus. If a vote is necessary, all votes will be by voice or ballot at the will of the majority in attendance. The exception to this rule is a vote to elect CoC Board members, in which a vote will be held by written ballot. Decisions are made by simple majority of the voting members casting a vote at the time the item is heard.

Quorum

The number equal to a majority of those with voting member status at the time of the meeting will constitute a quorum for the purpose of voting at any general membership meeting. Non-voting members are not counted for purposes of establishing a quorum. Protocols for situations where there is a lack of a quorum are located in Chapter 10 – Code of Conduct.

Full Membership and Annual Meetings

The SBC CoC will hold full membership meetings at least three times a year~~,~~ as identified by the CoC Calendar posted on the SBC CoC Website.~~:~~ One of these meetings will be designated as the annual meeting.

Election of the CoC Board of Directors will take place at the designated annual meeting, or another date as publicly announced in advance. Other business at the annual meeting may include approval of changes to the Governance Charter, adoption of the written process for Board Member selection, other actions delegated to the CoC membership for decision making, and agenda items approved through the agenda-setting process.

Roles and Responsibilities

Roles and responsibilities of the CoC Membership include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.

- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with the CoC Board and the support structures to realize the vision for CoC system of care. The Lead works collaboratively within the structure to coordinate and operationalize the area of responsibility.
- **Support**: Is consulted and/or an active participant in carrying out a HUD regulation in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of the CoC Membership

The following table identifies **Regulatory Roles and Responsibilities** of the CoC Membership as per Title 24 of the Code of Federal Regulations (CFR), and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Authority	Establish the Continuum of Care *§578.5(a)*	• Implements via a vote of stakeholders. • Registers official members.
	• Adopt and follow a written process for Board Member selection • Review, update as necessary, and approve the process at least once every five (5) years *§578.7(a)(3)*	Implements via a vote of the official voting membership.

Authority	Establish a Board that: ● Is representative of the relevant organizations and of projects serving homeless subpopulations, and ● Includes homeless or formerly homeless individuals. *§578.5(b)*	● Implements via a vote of the official membership. ● Delegates certain roles to the Board. ● Reviews Board roster to assess representation.
	Consult with the Collaborative Applicant and HMIS Lead Agency to develop, follow, and annually update a Governance Charter that includes all HUD-required components ● *§578.5(a)(5)*	● Reviews results of the Governance Charter review. ● Approves changes to Governance Charter. ● Implements via a vote of the official voting membership.
	Designate a single HMIS for the geographic area[2] *§578.5(b)(1)*	● Receives recommendations from the HMIS Lead Agency. ● Provides oversight during the selection process.
	Designate an eligible applicant to manage the HMIS, referred to as the *HMIS Lead Agency* *§578.5(b)(2)*	● Consults with the Board and Collaborative Applicant regarding the designation of the HMIS. ● Ratifies the selection of the HMIS.
Oversight	Comply with HUD Conflict of Interest Requirements *§578.95 (b)*	● Implement via a vote of the official membership.
	Ensures policy compliance	● Oversight of policy compliance, receives and reviews reports for consistency with established policies.
Lead	Hold meetings of the full Membership with published agendas at least semi-annually. *§578.7(a)(2)*	● Ensures at least two meetings are calendared annually. (SBC CoC meeting schedule exceeds the HUD minimum.) ● Collaborates with the Board on meeting agendas.
	Make an invitation for new members to join publicly available at least annually *§578.7(a)(1)*	Conducts a public call for new members.

[2] By regulation, qualified Victim Service Providers participate in a comparable database not the central HMIS.

	Coordinate the implementation of a housing and services system, including at a minimum: ● Outreach, engagement, and assessment ● Shelter, housing, and support services ● Prevention strategies *§578.5(c)(1)*	Ensures coordination and delivery of a system including required components under the Interim Rule and locally adopted actions.
	Appoint committees, subcommittees, or workgroups as deemed necessary *§578.7(a)(4)*	Lead: Establishes workgroups, as necessary, to accomplish responsibilities assigned to the Membership.
Support	Appoints Committees, subcommittee, or workgroups as deemed necessary. *(578.7(a) (4)*	Support: Responds to calls for committee participation as requested by the Board.
Support	Plan and conduct a Point-In-Time Count (PITC) throughout the CoC geographic area at least biennially *§578.5(c)(2)*[3]	Assists in planning and implementation of an annual PIT Count in support of the Collaborative Applicant and PIT Count Committee under Board oversight.
	Conduct an annual gaps analysis of needs and services in the CoC geographic area *§578.5(c)(3)*	Assists in implementation and providing data for this task in collaboration with the HMIS Lead Agency and Subcommittee.

Locally Defined Roles and Responsibilities

The following table identifies **Locally Defined Roles and Responsibilities** of the CoC Membership:

Level of Responsibility	Activity	Implementation/Operation
Authority	Elects the City Representative, Service Provider, and At-Large seats as present on a slate of candidates for the CoC Membership and Board	Elect representatives for the one elected City seat, Service Provider and At-Large seats as presented on a slate of candidates, and in accordance with Board seat turnover rules. ● Ratify representatives presented for appointed seats.

[3] The SBC CoC currently conducts a PITC of both sheltered and unsheltered persons annually.

Chapter 3: CoC Board

Introduction

Continuums of Care (CoCs) have various operational responsibilities as mandated by regulation. A core responsibility is to adopt and follow a written process to establish a Board to act on behalf of the CoC. This written process must be reviewed, updated, and approved by the CoC at least once every five (5) years. CoC Boards must be representative of the relevant organizations and projects serving persons who are homeless, as well as include homeless or formerly homeless individuals.

This chapter addresses the roles, responsibilities, protocols, and practices related to the CoC Board.

References

The following references are applicable to the information in this chapter:

- 24 CFR 578.7(a)(3). Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH Act): Continuum of Care Program, 77 Fed. Reg. 45422, July 31, 2012 (codified at 24 CFR §578) (referred to as the CoC Program Interim Rule).
- Ralph M. Brown Act: California Government Code § 54950, 1953.

CoC Governance and Oversight

The San Bernardino City and County Continuum of Care (SBC CoC) governance structure will consist of the following:

- General Membership
- CoC Board
- CoC Collaborative Applicant
- Coordinated Entry System (CES) Lead Entity
- Homeless Management Information System (HMIS) Lead Agency
- Associated Standing and Ad Hoc committees, and workgroups

HUD Regulations (24CFR 578) expect the CoC Membership to establish CoC Governance structure that, at a minimum, includes a CoC Board, a Collaborative Applicant, a HMIS Lead Agency, and a Coordinated Entry System Lead Entity. (see Chapter 2) HUD defines the CoC Membership as the group organized to carry out the requirements and the CoC retains all of the responsibilities, even if it delegates some portion to other eligible entities. The Board is an essential component of governance that carries out responsibilities assigned to it by the CoC Membership. Similarly, the Collaborative Applicant, HMIS Lead, CES Lead are required components holding responsibilities identified in regulations or assigned by the CoC Membership.

Together, these structures must accomplish the community responsibilities defined in the CoC Program Interim Rule. Additionally, the Ralph M. Brown Act in California (Brown Act) governs local agencies, legislative bodies of local government agencies created by state or federal law and any standing committee of a covered board or legislative body, and governing bodies of non-profit corporations formed by a public agency. The intent of the Brown Act is to ensure transparency and inclusion in actions taken by legislative bodies. The CoC Membership body is a community- based forum, not a legislative body, therefore it is not subject to the Brown Act. The CoC Board, however, is

a legislative body as defined in the Brown Act and must comply with the provisions of the Brown Act with regard to public notice, meeting protocols and voting rules

The SBC CoC will strive to ensure broad geographic coverage on the CoC Board and committees. Governance representatives should consist of stakeholders with diverse backgrounds, responsibilities, experiences, and identities so as to include the opinions and insights of various parties.

Because of the geographic size of the SBC CoC, representation on the CoC Board needs to reflect the geographic regions. The regions are designated as follows:

Region	Cities/Communities		
High Desert	● Adelanto ● Apple Valley	● Barstow ● Hesperia	● Victorville
Central Valley	● Colton ● Fontana ● Grand Terrace	● Highland ● Loma Linda ● Redlands	● Rialto ● San Bernardino ● Yucaipa
East Desert	● Needles	● Twentynine Palms	● Yucca Valley
Mountains	● Big Bear Lake ● Crestline*	● Lake Arrowhead*	● Running Springs*
West Valley	● Chino ● Chino Hills	● Montclair ● Ontario	● Rancho Cucamonga ● Upland

Note: Regions include each city's surrounding unincorporated communities.
* = Unincorporated communities isolated from cities.

CoC Board Purpose

The role of the CoC Board is to represent the CoC membership by guiding efforts to ensure community-wide commitment to preventing and ending homelessness. The CoC Board will serve as the primary decision-making body for the SBC CoC as delegated by the CoC Membership. To this end, the CoC Board will authorize and oversee policy and procedures in accordance with its delegated responsibilities.

CoC Board Composition and Selection

The CoC Board is composed of persons selected via the authorized process to represent the CoC stakeholders and participate as the CoC Board as required by the CoC Program Interim Rule. There are two basic processes for nomination of Board Candidates for selection by the CoC Membership and establishing CoC Board Membership:

1. Appointment into a designated seat and ratification.
2. Recommendation, review, and election for all other seats.

The CoC Board is composed of no less than 17 and not more than 21 members, consisting of 19 voting seats and two (2) non-voting seats. Seats will be held by members representing government, consumers, service providers, and other at-large community stakeholders whose interests and

experiences relate to homeless services and housing systems within the geographic boundaries of the SBC CoC.

The two non-voting seats will include a high-ranking representative from the Collaborative Applicant and the immediate past Chair (in good standing). Members representing non-voting seats shall not count in determining the number required for a quorum or determining whether or not a quorum of the CoC Board is present, nor shall a non-voting member's presence count toward voting requirements The role of the ex-officio Chair is to provide context and continuity to inform the CoC Board and will serve for a one-year term following the completion of their term of service. The organization chosen as the Collaborative Applicant will also serve in the role of the Secretary and is responsible for assigning a staff person to fulfill this role.

No more than one staff person and/or CoC Board Member of a single agency/organization may be an elected member of the CoC Board, excluding persons who are elected under the "homeless or formerly homeless" CoC Board seat. This seat will not be counted as a representative of a particular service provider.

The seated CoC Board must equitably represent the identified geographic regions. Equitable representation does not require an equal number of representatives for each region. The Nominating Committee Review process will evaluate the balance of factors included on the Board Matrix Form as well as environmental factors such as level of homelessness in each region.

CoC Board Seats will be categorized as one of the following:

- Governmental Agencies
- At-Large Consumer Representatives
- At-Large Representatives
- Service Providers

Voting Board Membership will consist of the following:

- Six (6) Governmental designated seats
- One (1) consumer seat appointed by the Youth Advisory Board (YAB)
- No less than ten (10) and no more than 12 elected seats, consisting of:
  - Not less than five (5) and no more than six (6) At-Large representative seats
  - Not less than five (5) and no more than six (6) Service Provider seats

  _ One of the 10-12 elected seats is identified as a second consumer seat for a person with recent lived experience in homelessness.

There are two basic processes for selecting Board Candidates by the CoC Membership:

- Appointment into a designated seat with ratification by the CoC Membership or
- Election through a Nominating Committee process of review, creation of a ballot of candidates, and election by the CoC Membership.

At-Large Representatives

At-Large representatives are professionals who work in systems that interact with the homeless response system such as (but not limited to) health care, mental health, school districts, child welfare, workforce development, criminal justice, business, faith community, victims service providers, housing developers, advocacy agencies, and landlords. The role of the At-Large Representative is to assist the CoC in leveraging mainstream funding from, and making positive changes within, those systems for the benefit of people experiencing homelessness in our region. The Director of a Housing Authority in the San Bernardino CoC area will be included in this group of representatives. Members representing At-Large Representative seats will be elected through the nominations and selection process.

Consumer Representatives

At-Large Consumer representatives are people who have lived experience with homelessness and/or housing instability, and/or have received services through a homeless assistance program. One of the At-Large Consumer representative seats will be dedicated to a member appointed by the Youth Action Board (YAB). The second At-Large Consumer seat should be considered for persons of color, LGBTQ+ persons, persons with HIV+ diagnosis, survivors of domestic violence, or those with a history of chronic homelessness. The member representing the second seat will be selected by the CoC from a list of candidates reviewed by the Nominating Committee. Members representing At-Large Service Provider seats will be elected.

The role of the At-Large Consumer representative is to help ensure that CoC Board decisions include the perspective of people who have experienced homelessness firsthand. Persons filling these seats who have experienced homelessness within the past 2 years will be compensated for their work with the CoC. The value of compensation is set by the CoC Board as supported by available CoC funds.

Governmental Representatives

The six (6) governmental designated seats will consist of the following persons:

- Elected Member from the San Bernardino County Board of Supervisors, or designee
- Elected Leader from a Key Stakeholder City[4], or designee
- Senior Leader from San Bernardino County Community Revitalization
- Senior Leader from San Bernardino County Human Services
- Senior Leader from the San Bernardino County Superintendent of Schools or Board of Education
- Government Representative elected through the CoC Nominating process

The role of the Governmental Representative is to assist in elevating the CoC by ensuring accountability, countywide strategy alignment, coordination of investment planning, and amplification of CoC activities. Each Board Member appointed to a governmental seat should have the fiscal and/or program authority of the organization they represent to ensure decision making ability. The appointing entity is encouraged to fill the seat with a person who possesses a strong level of understanding about the operations of the CoC's homeless system of care. At least one member of the Board will be from a direct recipient of the Emergency Solutions Grant (ESG) funds.

[4] The CoC selects one Board member to represent all stakeholder cities rather than a single jurisdiction.

Members representing the Governmental seats will be filled through appointment by the entity represented on the CoC Board. The appointees will be included on the slate of Board candidates selected through the nominations process and presented to the CoC Membership. The combined results of the appointments and the representatives selected by election will be presented to the CoC Membership for ratification.

Service Providers

Service Provider representatives are people who work for organizations that provide services for people experiencing homelessness. Representatives should be from a mix of state or federally funded homeless programs and non-funded agencies. Board Members selected under the Service Provider Seats represent one or both of the types of direct service outlined below:

- Crisis Response System - Includes emergency and transitional shelter, homelessness prevention, outreach, navigation, coordinated access, day services and crisis response services.
- Permanent Housing - Includes permanent housing provision (PSH/RRH) and/or services for people in permanent housing.

Board Member Alternates

Board Members may assign a designee to participate or vote on their behalf. The alternate or designee will be identified at the time of the Board Member election. Since seats are representative of various constituencies, alternates should represent the Board Seat designation/constituency, rather than an individual agency.

Board Members will exercise independent judgment in the best interests of the CoC and the persons and communities it serves and will not act with the primary intent to advocate for the financial interests of their employer, appointing organization, or affiliated entities.

Eligibility to the CoC Board

To be considered for a CoC Board seat, all appointees and nominees will affirm they:

- Accept the appointment/nomination to represent the interests of the appointing/ nominating entity;
- Commit to active participation in at least one committee or work group; and
- Commit to participate in CoC Board training and onboarding, which may include shadowing/mentoring/buddy system with an existing member at the request of the new member.

The CoC Membership will convene at least biennially an ad hoc Nominating Committee (see chapter 8: Committees) for the purposes of:

- Reviewing the Board matrix;
- Identifying under-represented sectors;
- Recruiting prospective members;
- Reviewing applications;
- Putting forward to the CoC membership a ballot of candidates for election that describes the potential representation of each of the targeted constituencies and geographies;
- Calling for the vote for the election of CoC Board Members;
- Tallying the votes and preparing a slate of candidates receiving the highest number of votes in each representative category, or appointed by into the government- dedicated seats
- Provide the resulting slate of representatives to the Membership for ratification.

- Once approved, the approved list of selected Board members will be forwarded to the existing Board and published on the CoC website.

Additional factors to be considered in the selection of potential Board Members include the individual's commitment to the purposes of the CoC Board, as well as personal and professional qualifications including interest and capacity, leadership and collaboration skills, knowledge, vision, and depth of connection to the CoC membership and the broader community responding to homelessness. The Nominating Committee will use the Board Matrix to suggest a slate of candidates that best ensures inclusion of each key stakeholder group (characteristic).

Specific consideration will be given to the region from which the nominee identifies. No single entity may be represented by more than two members on the CoC Board while no more than one staff person and/or Board Member of a single agency/organization may be an Elected Member of the CoC Board. Individuals seeking a competitive seat on the CoC Board are not eligible to participate on the Nominating Committee.

Solicitation for Open Board Positions

Solicitation for open Board positions will begin no less than six weeks before the annual meeting in which elections will occur. The Collaborative Applicant, on behalf of the Nominating Committee will broadly circulate a "Call for Applications" to the appropriate organizations and parties. The Call for Applications will set forth the:

- Criteria for appointment to the CoC Board; and
- Deadline for the receipt of said applications.

Any individual CoC member in good standing may apply for an open Board position by responding to the Call for Applications and submitting, by the posted deadline, a/an:

- Completed application;
- Brief biographical summary;
- Personal statement summarizing the perspective(s) that the nominee would bring to the CoC Board; and
- Letter of Recommendation from a SBC CoC member organization or individual.

A member is considered in good standing if they have:

- Been a regular participant in CoC related committees/meetings; and
- Had a track record of a commitment to working to alleviate homelessness in the region.

The Collaborative Applicant will collect and conduct a threshold validation of the submitted applications and provide to the Nominating Committee the full list of applicants with an indication as to if the candidate meets the minimum threshold requirements. The Nominating Committee will further review the list of applicants against the list of Board Member priorities and determine a slate of qualified applicants. The summaries (including candidate biographies, applications, personal statements, and letters of recommendation) of each of the qualified applicants will be forwarded to the full CoC membership no later than two (2) weeks prior to the meeting at which the election of new or reelected Board members will occur.

Elections

Board Members will be elected/re-elected individually by the SBC CoC voting membership present at the designated meeting or appropriately noticed time. Ballots will be arranged by Service Providers, At-large Representatives and At-large Consumer Representatives categories.
In the event of a contested seat, the highest vote-getter(s) will be elected. In the event of a tie vote for one or more available seats, the CoC Board will select a nominee from the tie-getting candidates. An emphasis will be placed on the promotion of diversity in terms of expertise, experience, race, ethnicity, cultural affiliation, gender, sex, gender identity, sexual orientation, disability, and other relevant factors such as subregional representation.

Board Members recommended for appointment, including those to hold the governmental seats and the youth At-Large Consumer seat, will be presented as a slate by the Nominating Committee for ratification by the full membership.

Terms

The membership body elects Board Members to a two-year term beginning January 1 and ending December 31 of the following year. Elections will be held at the annual meeting of the full membership or through a special meeting, as necessary. Elections may be held anytime during the calendar year at a meeting identified for this purpose by the CoC Membership.

Both elected and appointed Board Members are eligible to serve up to two (2) consecutive terms, subject to CoC selection process approval. The selection process for second term for elected Board seats will include candidate submission of an updated resume/biographical summary to allow the Nominating Committee to create an updated Board Matrix. Elected Member terms will be staggered such that approximately one third (less one) of the elected Board Members will be newly elected each term. After completing two (2) consecutive elected terms, an individual/organizational member must wait one (1) year before serving another elected term on the CoC Board.

Attendance and Quorum

Board Members may not miss more than two consecutive or three total, unexcused CoC Board meetings during their term year. The presence of a majority of voting Board Members will be a quorum and sufficient to conduct business at CoC Board meetings.

Meeting Procedures and Decision Making

The SBC CoC Rules of Decorum, founded on the principles of Roberts Rules of Order, will be followed to open, and close each meeting and to bring a motion to the floor. Each Board Member with designated voting authority is eligible to vote on decisions being made when present at the meeting. Virtual participation will be allowed in accordance with the Brown Act. The CoC Board will operate on a consensus decision making model. If consensus cannot be achieved, a majority of Board Members present is necessary for resolutions or votes to pass unless otherwise indicated in this Charter. A Board Member shall not be considered present for purposes of calculating a majority if said Member has been recused from voting in accordance with Chapter 10 of this Charter.
The CoC Board may take an action without meeting the majority of a quorum when the Rule of Necessity is invoked. The common law Rule of Necessity (Rule) can be applied to Brown Act meetings. The Rule

allows legally required participation when a quorum is lost due to conflicts of interest[5]. When disqualification for a financial conflict of interest would otherwise prevent the Board from obtaining the quorum or participation legally necessary to take an action, participation by an otherwise disqualified member may occur only to the minimum extent permitted by applicable law, Participation is subject to consultation with legal counsel, documented in the public record, and conducted using any random selection or other procedure required by applicable law. This provision shall not be construed as expanding the common-law Rule of Necessity or the legally required participation exception. The need for the Rule may be verified and invoked by Board Officers (Chair, Vice Chair, and Secretary/Collaborative Applicant). A record of the reason the Rule had to be invoked, and each action taken using the Rule will be created by the CoC Board and maintained by the Secretary/Collaborative Applicant. Use of the Rule should be rare. If invoked more than three (3) times in a calendar year, the Board will research the factors leading to the lack of an eligible voting quorum and will recommend actions to remedy the repeated need for invoking the Rule.

A record of each action taken without a CoC Board meeting will be created by the CoC Board and maintained by the Secretary.

Vacancies and Removal

Resignation by a member from the CoC Board must be in writing or via email and received by the Board Chair and the Collaborative Applicant. An announcement will be made regarding the open position at the next CoC Board and General Membership Meeting requesting nominations.

Expected vacancies occur through Board Seat rotation at the end of a representative's full term. When a representative resigns or is removed from the CoC Board and cannot serve a full term, the vacancy will be filled as quickly as possible. In the case of an appointed representative vacating a seat, the authority making the appointment will appoint a new representative. In the case of an elected representative vacating a seat, the Board Chair will nominate, and the CoC Board ratify by majority vote, his/her replacement to fill the unexpired portion of the term. The CoC Board should maintain a focus on promoting Board diversity as new members are added. After completing the partial term, the newly elected Board Member will be eligible to serve up to two consecutive terms of two (2) years each.

Board Members may be removed from the CoC Board for:

- Violations of the:
  - Code of Conduct;
  - Conflict-of-Interest policy; or
  - Attendance policy;
- Failure to:
  - Perform CoC Board duties; or
  - Comply with this Charter and/or applicable policies; or
- Other violations of the policies and procedures of the SBC CoC.

Consideration of member removal will begin with a review of the potential violation by the CoC Chair, Vice Chair and Secretary. If the member under review is an officer (Chair, Vice Chair, or Secretary), they will recuse themselves from the review process. Upon completion of the review and consensus

[5] See reference in County Counsel email of March 22, 2024 and details in Chapter 10.

that the removal is warranted, the Board Member subject to removal will have the opportunity to resign and forego bringing the issue to the full Board for a vote. If the Board Member declines to resign, the Board Officers will present the issue to the CoC Board for review and vote. Removal of a Board Member requires a 2/3 vote of active Board Members, not including the vote of the member who is the subject of the removal proceedings. The process for replacement of a Member that is removed will follow paragraph one of this section above. If the Board Chair is removed, the Vice Chair will nominate a replacement and the CoC Board will ratify.

Duties and Responsibilities of CoC Board Members

In accepting the appointment or election to the CoC Board, members acknowledge they understand the role and responsibilities they are committing to and agree to make their Board Membership a priority. They further commit to:

- Support the Mission, Vision, and Goals as established in the CoC action plans;
- Offer their expertise to help ensure the success of the CoC system implementation;
- Work collaboratively with the other Board Members to ensure an understanding of all current agenda items and issues to be addressed to actualize system improvements;
- Ensure accountability, transparency, and responsiveness to community needs;
- Productively engage with jurisdictional/governmental stakeholders for cross-system leadership;
- Attend a majority of CoC-related community meetings to hear from and communicate with the membership and stakeholders, and to help determine and track progress on goal achievement.
- Actively participate in at least one CoC Board committee or work group; and
- Adhere to the CoC Board's Code of Conduct, Conflict of Interest, and Confidentiality and Privacy policies.

Board Officers

The SBC CoC Board will consist of three officers – Chair, Vice-Chair and Secretary. The CoC Board will elect the Chair and Vice Chair, as needed, to fill a vacant seat at their first regular meeting of the fiscal year. The Chair and Vice Chair may not represent the same organization. The selected officers should possess strong leadership ability and personal characteristics that will lead to the greatest success in their roles. The CoC Board will strive to elect Officers who represent different sectors/constituencies. It is preferable that one position represents an agency that does not receive CoC funding, including recipients or subrecipients. The Secretary position will be a non-voting ex-officio and filled by a member of the Collaborative Applicant staff to provide administrative continuity.

The Collaborative Applicant will promptly announce election results to the membership by email.

Officer Terms of Service

All Board Members can be elected to serve up to two consecutive two-year terms. Board Officers will be elected for a two (2) year term and are eligible to serve up to two consecutive terms within their term limits. The Board Chair and Vice Chair may complete their current term as an officer if their term as a Board member is reached while in office. After completing two (2) consecutive terms, an officer must wait one (1) year before serving another elected term as an officer of the CoC Board except in the case of the Vice-Chair, who is eligible to serve up to one additional consecutive term in the role of Chair regardless of that officer's Board term limit. An individual waiting a year from an officer position

may, if elected and otherwise eligible, chair a committee during the interim year. An outgoing Board Chair may remain on the CoC Board for up to one year as a non-voting emeritus member regardless of term limits.

Duties

Chair:
The Chair of the CoC Board is responsible for ensuring that the Board meets as scheduled and that the CoC Membership Facilitator convenes the Membership at least three (3) times annually. The Chair presides at the CoC Board meetings. The Chair will sign required and/or necessary documents on behalf of the SBC CoC, except as provided elsewhere in the Charter for the Collaborative Applicant/Administrative Entity, the HMIS Lead Agency, and the CES Lead. In collaboration with the Vice Chair and Secretary and in consultation with the Board Members, the Chair is responsible for setting the Board meeting agenda. The Chair will provide direction and leadership, along with the Board, to ensure that all functions of the SBC CoC are carried out. The Chair will ensure meaningful participation and adequate time for presenters to share information and members to process the information and seek clarity. The Chair has the responsibility for holding Board Members accountable for their individual roles and commitments. They also act as a liaison to the Public Entity Stakeholder's Advisory Committee or other governmental stakeholder groups. The Chair will be authorized to speak, or assign someone to speak, publicly on behalf of the CoC.

Vice-Chair:
The Vice Chair will support the Chair. In the absence of the Chair, the Vice Chair assumes the Chair's duties. The Vice Chair will perform other duties as designated by the CoC.

Secretary:
The Secretary is responsible for keeping accurate records of the acts, proceedings, and attendance of all meetings of the CoC Board and full membership meetings. Responsibilities include recording actions taken without a meeting. They will have (or designate) the responsibility for giving notice of meeting dates, times, and locations, managing the attendance rolls, maintaining the roll of eligible voters, and collecting the official minutes of other CoC-related meetings, including standing and ad hoc committees. The Secretary is responsible for ensuring the meeting minutes are posted on the CoC website in a timely manner. The Secretary will provide support to the Board Chair and Vice Chair as necessary and may chair CoC meetings in the absence of both the Chair and the Vice Chair. This position will be assigned by a senior leader from the Collaborative Applicant entity and is a non-voting Board Member.

Vacancies and Removal (Officers)

When the elected CoC Board Chair or Vice Chair resigns or cannot serve a full term for any reason, the remaining Board Members will call a special election to fill the unexpired term.

In the rare instance that a Board Member may be removed for cause, a Board Member removal process will be invoked. This process will begin with internal CoC Board action to remedy the cause, before elevating the issue to the Membership, Counsel, or law enforcement as warranted.

Roles and Responsibilities Overview

Roles and responsibilities of the CoC Board include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.
- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with support structures to realize the vision for CoC system of care. The Lead works collaboratively within the structure to coordinate and operationalize the area of responsibility. While there are general distinctions between the levels of responsibility between the components (bodies), there are instances where the bodies share a responsibility.
- **Support**: Is consulted and/or an active participant in carrying out a HUD regulation in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of the CoC Board

The following table identifies **Regulatory Roles and Responsibilities** of the CoC Board as per Title 24 of the Code of Federal Regulations (CFR), and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Oversight	Hold meetings of the full Membership with published agendas at least semi-annually *§578.7(a)(1)*	• Ensures Membership meetings are scheduled by the CoC Facilitator. • Collaborates with Membership leaders regarding meeting agendas.
	Make an invitation for new members to join publicly available at least annually *§578.7(a)(2)*	• Ensures the Membership makes a public call for members at least annually.
	Appoint committees, subcommittees, or workgroups as deemed necessary *§578.7(a)(4)*	• Appoints groups in accordance with established policies to accomplish responsibilities. • Receives/oversees Board subcommittee reports.
	Consult with the Collaborative Applicant and HMIS Lead Agency to develop, follow, and annually update a Governance Charter that includes all	• Consults with the Collaborative Applicant and HMIS Lead to develop the Charter. • Ensure the Charter meets all HUD requirements.

	HUD-required components *§578.5(a)(5)*	● Announces the results of the CoC Charter actions to the Board.
	Consult with CoC recipients and subrecipients to establish performance targets, monitor performance, evaluate outcomes, and take action against poor performers *§578.5(a)(6)*	● Oversees consultation with CoC recipients and sub recipients. ● Uses subcommittees or standing committees in collaboration with the Collaborative Applicant to set standards and performance monitoring requirements. ● Votes to adopt the results of the consultation process.
	Consult with recipients of ESG program funds to establish and operate a Coordinated Entry System (CES) in accordance with HUD standards *§578.5(a)(8)*	● Oversees the consultation with the HMIS Lead and ESG recipient jurisdictions. ● Votes to establish the CES system design, policies, and procedures. ● Receives CES reports. ● Oversee the required annual review. ● Assesses the operation by the CES Lead in partnership with the Collaborative Applicant. ● Develops the CES Lead MOU in consultation with Collaborative Applicant.
	Designate an eligible applicant to manage the HMIS, referred to as the HMIS Lead Agency *§578.5(b)(2)*	● Selects the HMIS Lead Agency in accordance with procurement and established policies. ● Receives HMIS reports and data standards from the HMIS Lead. ● Oversees HMIS Lead Agency performance as described in the HMIS MOU).
	Ensure consistent participation in HMIS by CoC, ESG and State-funded CoC project recipients and subrecipients *§578.5(b)(4)*	● Receives reports, data, and HMIS standards and policies from the HMIS Lead Agency. ● Ensure participants are supported by the Collaborative Applicant and ESG recipient jurisdictions.

	Ensure HMIS is administered in compliance with HUD standards and policies *§578.5(b)(5)*	● Assesses HMIS implementation. ● Reviews compliance with HUD standards. ● Develops and authorizes an MOU with the HMIS Lead Agency (supported by Collaborative Applicant).
	Coordinate the implementation of a housing and services system, including at a minimum: ● Outreach, engagement, and assessment ● Shelter, housing, and support services ● Prevention strategies *§578.5(c)(1)*	● Establishes policies. ● Oversees system design. The Membership is responsible for implementation and is supported by the Collaborative Applicant.
	Plan and conduct a Point-In-Time (PIT) Count throughout the CoC geographic area at least biennially *§578.5(c)(2)*	● Authorizes the PITC and implementation plan. ● Collaborates with HMIS Lead for submittal in HUD Data Exchange (HDX).
	Conduct an annual gaps analysis of needs and services in the CoC geographic area *§578.5(c)(3)*	● Authorizes and plans the gaps analysis.
	Provide information required to complete the Consolidated Plan(s) in the CoC geographic area *§578.5(c)(4)*	● Ensures compliance with HUD requirements. Implements the process of providing information the jurisdictions through the Collaborative Applicant, supported by subcommittees and others as needed to gather and report data.
	Consult with State and local government ESG program recipients to plan the allocation of funds and report on and evaluate the performance of subrecipients *§578.5(c)(5)*	● Implements thorough the Collaborative Applicant. ● Receives information. ● Approves release of data. ● Supported by ESG area representatives.

Authority	Consult with recipients of ESG program funds to establish and consistently follow written standards for providing assistance *§578.5(a)(9)*	• Votes on written standards (including policies and procedures) for setting system level priorities and providing assistance in compliance with regulation.
	• Evaluate outcomes of projects funded by CoC and ESG, as well as State-funded CoC homelessness projects • Make reports to the funding source as necessary *§578.5(a)(7)*	• Establishes the project evaluation process. • Ensures project implementation through the Collaborative Applicant and Subcommittee Lead;
Oversight	• Collaborates with recipients of ESG funding.	• Oversees consultation with the ESG recipient jurisdiction(s) • Consults with the ESG recipient jurisdiction(s) as necessary. • Reports results to the funding source.
Lead	Establish the Continuum of Care *§578.5(a)*	• Collaborates with the Membership to establish a regionwide membership. • Reviews the membership roster for inclusion of relevant/required stakeholders.
	Establish a CoC Board that: • Is representative of the relevant organizations and of projects serving homeless subpopulations, and • Includes homeless or formerly homeless individuals. *§578.5(b)*	• Collaborates with the Membership to ensure annual review of the Board Membership to ensure inclusive representation using the processes identified in the Charter. • Ensures the Membership reviews the selection process at least once every five (5) years.
	Comply with HUD Conflict of Interest Requirements *§578.95 (b)*	Ensures implementation of CoC Policy with support from the Collaborative Applicant.

The following table identifies **Locally Defined Roles and Responsibilities** of the CoC Board

Level of Responsibility	Activity	Implementation/Operation
Authority/	Review the performance of HMIS and CES	Annually review the performance of HMIS and CES based on the terms of the written MOUs and HUD guidance, as applicable.
		Ensure on-going consultation with ESG recipients with the Collaborative Applicant as the Lead Entity.
Oversight	Consult with the public entity/ governmental advisory group and ESG recipients to establish and consistently follow written standards for providing assistance	Ensure on-going consultation with ESG recipients with the Collaborative Applicant as the Lead Entity.
Lead	Ensure review the performance of the Collaborative Applicant	Annually ensures the review of the performance of the Collaborative Applicant and Administrative Entity in accordance with the MOU.
	MOU with CES, Collaborative Applicant, Administrative Entity	Establish through an MOU, the authorities delegated to the CoC Lead Agency to act as the Collaborative Applicant and Administrative Entity.
	Memorandum of Understanding	Designate an HMIS Lead Agency that is ratified by the CoC Membership.
	Consult with State and local government ESG recipients to plan the allocation of funds and report on and evaluate performance of subrecipients.	Partner with HMIS, CES, the Collaborative Applicant and ESG recipients to plan, review, and evaluate performance of recipients of CoC- allocated ESG and State funds. (Upon request, may support ESG recipients review of CoC direct fund recipient agencies.)
Support	CoC Committees and Workgroups	Supports committees and workgroups as identified and requested by the CoC.
	Ensures regular communication to the CoC Membership about actions, and policy and planning recommendations.	Supports the CoC Membership through regular reports to the CoC Membership.

Chapter 4: Administrative Agent – Federal Collaborative Applicant and State Administrative Entity

Introduction

Federal regulations for the Continuum of Care (CoC) Program require communities to comply with specific responsibilities as described in the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Interim Rule (24 CFR 578). One of the responsibilities of the CoC is to designate a legal entity as the Administrative Agent, who is also an eligible applicant, to apply for funds on behalf of the CoC. Federally this administrative agent is referred to as the "Collaborative Applicant." Similarly, the State of California's Housing and Community Development Department (HCD) and Health and Human Services Agency invest in local efforts to resolve homelessness. For these State programs, the Administrative Agent is called the "Administrative Entity." The specific responsibilities of the Administrative Entity differ between the State funding programs. In each case, the Collaborative Applicant and/or Administrative Entity is expected to implement its responsibilities effectively and in compliance with the applicable regulations.

Although the CoC Charter is a federal requirement, the SBC CoC decided to include the administrative roles for both the federal CoC program and the various state-funded homeless initiatives. This chapter addresses the responsibilities and duties of both the Collaborative Applicant and the Administrative Entity. The processes used by the Collaborative Applicant and the Administrative Entity for administering federal and state homeless funding align with the requirements of the funding source, therefore, other sections of the Charter which is designed to comply with federal guidelines, may not apply to state resources.

References

The following references are applicable to the information in this chapter:

- Title 24 CFR part 578 - Continuum of Care Program, Interim Rule
- Title 24 CFR part 576 - Emergency Solutions Grant Program
- Title 22 CCR parts 8403, 8408, and 8409,
- Title 24 CFR 91.230

Purpose

Designation of a Collaborative Applicant and an Administrative Entity provides a legal entity to act as **the Administrative Agent** to contract with federal and state public funding programs. This approach centralizes the planning, financial management, and reporting requirements in a single qualified agency to support the administrative capacity of the CoC. In many cases in California[6], the Collaborative Applicant and Administrative Entity are vested in the same organization.

[6] Nearly all 44 CoCs in California did entity the same entity as both the federal Collaborative Applicant and the State Administrative Entity.

Collaborative Applicant

The Collaborative Applicant is the legal entity that contracts with HUD on behalf of the CoC and carries out a series of planning and reporting duties, including, but not limited to, managing the local CoC Competitive Application preparation and submittal process, ensuring project applicant compliance, and consultation with Emergency Solutions Grant recipients. The Collaborative Applicant is the only entity that can request CoC Planning Grant Funds and is the only applicant empowered to submit the CoC Consolidated Application and Project Priority Listing to HUD during the annual CoC Competition.

The duties and responsibilities of the Collaborative Applicant can be found in the *Roles and Responsibilities of the Collaborative Applicant* section in this chapter.

Administrative Entity

The Administrative Entity carries out planning, contracting and reporting responsibilities for the portion of state funds awarded to the CoC. HCD requirements for organizations that are eligible to act as the Administrative Entity differ by program and between rounds of the same program in different years. For some programs, HCD has required the Administrative Entity to have experience as the HUD CoC Collaborative Applicant or have recent experience as an Emergency Solutions Grant (ESG) entitlement grant administrator. In many cases, the Administrative Entity is a unit of government.

Over the past decade, the State has allocated funds to various local organizations through several programs, such as Homeless Emergency Aid Program (HEAP), California Emergency Solutions and Housing (CESH), Homekey, multiple rounds of Homeless Housing, Assistance and Prevention (HHAP), and the Emergency Solutions Grant (ESG) programs. These programs offer allocations to certain jurisdictions and sometimes separately to CoCs. For each program, the State describes the requirements for identifying an “Administrative Entity” to manage the application process, plan activities, identify projects, submit reports and data to the State, and oversee use of the funds that are awarded for use in the local community.

The duties and responsibilities of the Administrative Entity are found in *Roles and Responsibilities of the Administrative Entity* section in this chapter.

Administrative Agent Responsibilities

In addition to the above, the CoC has delegated the following responsibilities to Providing recommendations to the CoC Board or the CoC Membership for final decisions.

- Keeping abreast of and informing the CoC Board on State homeless program requirements.
- Serving as a point of communication between State Offices and the CoC.
- Informing and educating the broader community about State solutions to address ending and preventing homelessness.
- Engaging in conversation related to outcome and performance data on the successes and challenges of people who are experiencing or have experienced homelessness.

Administrative Entity Responsibilities

State programs are governed by various regulations such as HSC 50406, 24 CFR91.230, 24 CFR 576 (ESG), and 42 USC sect. 11373. 22 CCR 8403, 8408, and 8409, The table in the *Roles and*

Responsibilities of the Administrative Entity section summarizes the activities of the AE with regard to State homelessness funding allocated or awarded to the CoC. The State also allocates/awards funds to public entities, including the County of San Bernardino. These funds are administered at the sole discretion of the public entity to which they are awarded.
The regulatory references and the eligibility requirements associated with the State programs are found in the *Roles and Responsibilities of the Administrative Entity* section.

Term of Service

The designation of the HUD Collaborative Applicant is valid for a maximum of three (3) years before it will be reviewed and approved by a vote of the CoC Board. There will be no requirement for a Request for Qualifications (RFQ). In response to negligence, poor performance or the desire of the Collaborative Applicant to not continue in the role, the CoC Board reserves the right to open an RFQ process to identify and designate a new Collaborative Applicant.

The State approves the Administrative Entity for the ESG program for two years. For other programs, the Administrative Entity is designated for the duration of the period of use of the award, subject to renewal or update in accordance with changes in program regulations or notices. The State publishes the eligibility criteria for Administrative Entity as part of the notices of funding opportunities.

The annual CoC NOFO Competitive Funding process includes an eligibility, capacity, and compliance review for both the Collaborative Applicant and the HMIS Lead Entity. This will be reflected in the annual local rating and review process.

Performance Standards/Memorandum of Understanding

The responsibilities of the Collaborative Applicant are documented in a Continuum of Care Collaborative Applicant Memorandum of Understanding.

The Collaborative Applicant Authorized Administrator is responsible for the execution of the MOU and the direct management of staff and resources to fulfill its duties. The CoC Board Chair and Vice Chair have the responsibility to review, update, and sign the MOU on behalf of the CoC. The MOU should contain all areas noted in this charter as relevant under the purview of the Collaborative Applicant. The MOU cannot give authority to the CA concerning federal resources beyond the bounds of the approved Charter.

The annual CoC NOFO Competitive Funding process includes an eligibility, capacity, and compliance review for both the Collaborative Applicant and the HMIS Lead Entity. This will be reflected in the annual local rating and review process. The CoC Board will review the performance of the Collaborative Applicant at least every three (3) years and publish a summary report of the outcome. The review will be based on the roles and responsibilities included in the MOU and the extent to which the Collaborative Applicant executes the duties. The designated entity may be terminated at the sunset of the MOU, upon mutual agreement, or for cause with a vote of two-thirds (2/3) of the CoC voting membership.

To effect a change in the organization selected to serve as the Administrative Entity for State funds allocated to the CoC, a recommendation for change must be supported by a two-thirds (2/3) vote of the Board and must comply with regulations at 22 CCR 8403.

At the time of creation and adoption of this charter, the San Bernardino City and County CoC (SBC CoC) has designated the San Bernardino County Office of Homeless Services (OHS) as the Collaborative Applicant, Administrative Entity, and fiscal agent for federal, state, and local homeless funding under the CoC's purview. The Chief of OHS has been designated as the Authorized Administrator.

Combined Roles and Responsibilities - Overview

Roles and responsibilities of the Collaborative Applicant and Administrative Entity include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.
- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with support structures to realize the vision for CoC system of care. The Lead works collaboratively within the structure to coordinate and operationalize the area of responsibility.
- **Support**: Is consulted and/or an active participant in carrying out a HUD regulation in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of the Collaborative Applicant – Federal Administrative Agent- Chart

The following table identifies Regulatory Roles and Responsibilities of the Collaborative Applicant as per Title 24 of the Code of Federal Regulations (CFR), and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Authority	Apply for CoC and Planning Grant Funds §578.9	Prepare and submit the CoC Application and the Project Priority Listing for the national competition. (The Collaborative Applicant is the only entity allowed to apply for and receive CoC Planning Grant funds from HUD.)

Lead	Plan and conduct a Point-In- Time Count (PITC) throughout the CoC geographic area at least biennially §578.5(c)(2)	Collaborates with the Board and Committees to plan, implement, document and report on a PITC that is: • Compliant with HUD standards, and • Supported by software vendors and consultants.
	Conduct an annual gaps analysis of needs and services in the CoC geographic area *§578.5(c)(3)*	• Receives data from the CoC and committees • Reviews data quality. • Assesses disparities between available housing
		and services, use of resources, and needs. • Recommends system changes to fulfill goals.
	Provide information required to complete the Consolidated Plan(s) in the CoC geographic area *§578.5(c)(4)*	Collects and provides information related to homelessness as required by jurisdictions to complete their Consolidated Plan(s).
Support	Establish the Continuum of Care *§578.5(a)*	• Maintains membership records. • Assists with: − Communication. − Public notices. − Meeting preparation and/or facilitation.
	Establish a Board that: • Is representative of the relevant organizations and of projects serving homeless subpopulations, and • Includes homeless or formerly homeless individuals. *§578.5(b)*	• Maintains membership records. • Assists with: − Communication. − Public notices. − Meeting preparation and/or facilitation.
	Hold meetings of the full Membership with published agendas at least semi-annually *§578.7(a)(1)*	Offers assistance with: • Logistics. • Materials. • Announcements. • Attendance records. • Verification of voting privileges. • Verifying a quorum.

	Make an invitation for new members to join publicly available at least annually *§578.7(a)(2)*	• Assists with:
		  − Communication.
		  − Documenting invitations.
		  − Collecting and compiling applications.
		• Provides a roster to the Membership and Board.

	• Adopt and follow a written process for Board Member selection • Review, update as necessary, and approve the process at least once every five (5) years *§578.7(a)(3)*	• Documents the Board Member selection process. • Tracks the review cycle and calendar. • Assists in ensuring the Board Member selection process is followed by Membership. • Assists with maintaining the roster and tracking term limits.
Support (continued)	Consult with the Collaborative Applicant and HMIS Lead Agency to develop, follow, and annually update a Governance Charter that includes all HUD- required components *§578.5(a)(5)*	• Consults with the Collaborative Applicant and HMIS Lead to develop the Charter. • Helps ensure the Charter meets all HUD requirements.

	Consult with CoC recipients and subrecipients to establish performance targets, monitor performance, evaluate outcomes, and take action against poor performers *§578.5(a)(6)*	• Assists with:
		  − Consultation and coordination to ensure inclusion of committees and community stakeholders
		  − Monitoring and evaluating recipient and subrecipient performance and outcomes.
		  − Communication.
		• Documents the process and results.
		• Retains reports.

	Consult with recipients of ESG program funds to establish and operate a Coordinated Entry System (CES) in accordance with HUD standards *§578.5(a)(8)*	• Assists with the consultation coordination to ensure inclusion of ESG jurisdictional recipients. • Documents standards, priorities, policies, and assessment tools. • Assists in an annual system review. • Signs the approved MOU with

		the CES Lead Agency.
	Consult with recipients of ESG program funds to establish and consistently follow written standards for providing assistance *§578.5(a)(9)*	• Assists with consultation coordination with ESG jurisdictional recipients. • Documents written standards. • Assists subcommittees.
	Designate a single HMIS for the geographic area[7] *§578.5(b)(1)*	Assists the Membership and HMIS Lead Agency in selecting and documenting the HMIS software vendor and comparable database for Victim Service Providers
	Designate an eligible applicant to manage the HMIS, referred to as the HMIS Lead Agency *§578.5(b)(2)*	Assists the Board in documenting the selection of the HMIS Lead Agency.
	Ensure consistent participation in HMIS by CoC, ESG and State-funded CoC project recipients and subrecipients *§578.5(b)(4)*	• Helps coordinate with ESG representatives, • Assists the HMIS Lead in communication with CoC and ESG recipients and subrecipients.
	Ensure HMIS is administered in compliance with HUD standards and policies *§578.5(b)(5)*	Assists the: • Board with HMIS review in a manner compliant with the conflict of interest policies (Chap 10) • HMIS Lead Agency in implementation (e.g., communication and logistics) of and documenting the HMIS MOU.[11]

[7] By regulation, qualified Victim Service Providers participate in a comparable database not the central HMIS.

	Coordinate the implemen-tation of a housing and services system, including at a minimum: • Outreach, engage-ment, and assessment • Shelter, housing, and support services • Prevention strategies *§578.5(c)(1)*	Assists: • The Board and Membership in designing, imple-menting, and docu-menting the CoC system. • With communication, reporting, assess-ment, and record retention.
	Comply with HUD Conflict of Interest Requirements *§578.95 (b)*	Assist the Membership, Board, and committees to ensure implementation of CoC Policy.

Roles and Responsibilities of the Administrative Entity – State Administrative Agent - Chart

The following table identifies **Regulatory Roles and Responsibilities** of the State Administrative Entity[8], and is organized by Level of Responsibility.

Level of Responsibility	Activity	Implementation/Operation
Authority	Contract for Funding	Signs contracts with State agencies) to receive CoC portions of State homeless program funds awarded by the State.
	Subrecipient Project Management	Prepares, signs, and oversees contracts and fiscal compliance of subrecipients for projects approved by the CoC and State funding source.
	Grant Administration	Designs, contracts, and manages planning and administrative activities of funds associated with State homelessness programs.
	Fiscal Compliance	Receives, expends, bills, and tracks funding to meet the terms and conditions of the State contract(s).
Oversight	HDIS Participation	Ensures HMIS data is reported to HDIS system.

[8] The State programs are governed by various regulations such as 22 CCR 8403, 8408, 8409, HSC 50406, 24 CFR 91.230, 24 CFR 576 (ESG), and 42 USC sect. 11373. *Chart C.* in the Appendix indicates the major regulations

	Communications – Point of Contact	Serves as a point of communication between State Offices and the CoC.
Lead	Application for Funds	Prepares and submits applications for State- funding allocated to the CoC, as directed by the Board.
Lead	Verification of Completeness of Application(s)	Verifies all components of an application are completed as directed by the funding source announcement.
Support	Planning	Supports completion of local planning processes as required by the specific State funding source for CoC allocation.
	System Review	Ensure compliance with Conflict of Interest policies are followed during development of the MOU and subsequent assessment. (particularly if the recommended HMIS Lead Agency is the Collaborative Applicant or shares staff or other covered parties)

Locally Defined Roles and Responsibilities

The following table identifies **Locally Defined Roles and Responsibilities** of the Administrative Agent:

Level of Responsibility	Activity	Implementation/Operation
Authority	CoC Application – Technical Assistance to Applicants	Provide technical assistance and training to CoC Project Applicants to ensure eligibility of project applications.
	CoC Application – Technical Assistance to CoC	Provide technical assistance and advice to the CoC Board to enhance the competitiveness of the CoC Application.
Oversight	CoC Application Process	Manages a coordinated, inclusive, and outcome-oriented community process for the solicitation, objective review, selection, reallocation, and ranking of project applications.

	Regulatory Compliance – Updates and Changes	Tracks and notifies the CoC Membership and Board of HUD regulatory changes.
	Annual System Reporting	Receives data and ensures submittal of all required reports for the CoC including, but not limited to: ● CoC Program Registration ● Grant Inventory Worksheets ● Point-In-Time Count ● Housing Inventory Chart ● Longitudinal Systems Analysis HUD System Performance Measures
Lead	Board Participation – Board Secretary	● CA selects a staff to serve in the role of Secretary of the CoC Board. ● Prepares and retains reports and documents.
	CoC Membership Application	● Manages the CoC membership application process. ● Maintains the roster of eligible voters.
	Offers expertise and leadership as liaison to advisory groups to ensure the success of the CoC.	Engages with advisory groups related to outcome and performance data on the successes and challenges of people who are experiencing or have experienced homelessness.
Support	Board Composition and Selection Process	Supports selection of Service Provider and At-Large seats by supporting the development of a slate of candidates as Board members during the CoC process.
	CoC Communications	Provides logistical and communications support to the CoC Board and committees, including: ● Disseminating meeting materials and posting relevant documents to the CoC website. ● Website management.
	CoC System Development – Advocacy	Identifies, supports, and advocates for programmatic and systemic changes to improve services and outcomes for homeless and at-risk populations.

	CoC System Planning Trends and Funding	Identifies and communicates current and emerging needs and funding opportunities related to affordable housing and homelessness.
	Annual Review Processes – CES, Governance Charter, Written Standards	Facilitates and reports progress on required annual review processes related to the CES, Charter, and updates to Written Standards.
	Facilitate Community Education	Facilitates community outreach and education by: ● Assisting in the development of materials and meeting logistics. ● Documenting results.

Chapter 4: Appendix A – Admin Entity Eligibility and Duties

Program Level Eligibility and Duties of the Administrative Entity

State Program	Eligible Applicants	Administrative Entity Eligibility Requirements	Functions to be Included in MOU
Home Energy Assistance Program (HEAP) CoC Allocation only	• A unit of general-purpose local government; or • A non-profit entity	Has: • Previously administered federal HUD Continuum of Care (CoC) funds as the *Collaborative Applicant,* pursuant to 24 CFR 578.3. • Been designated by the CoC to administer program funds (HEAP NOFO)	None, program expired
California Emergency Solutions and Housing Program (CESH CoC Allocation only	• A unit of general-purpose local government; • A nonprofit organization that has previously administered HUD CoC funds as the collaborative application, per 24 CFR 578.3; or • A unified funding agency as defined in 24 CFR 578.3. Provide documentation in the application that the applicant is • designated by the CoC to administer CESH Program funds.	Is an eligible applicant.	Program Allocation Expired
Homeless Housing, Assistance and Prevention (HHAP) **CoC Allocation only**	• Entities identified in the funding notice (qualified units of government, CoCs, and subrecipients/affiliates in application).	• Is a part of the Regional Plan established in the application; • Must sign coordinated Regional Plan (Round 5). • Must complete community process with stakeholders as identified in the	Pending – Community process; Tracks and reports ongoing allocations of HHAP funds from annual rounds of funding. See list on pgs. 3-

		NOFA.	4 for Housing & Safety Code reporting & tracking requirements.
State Housing and Community Development (HCD) Emergency Solutions Grant (ESG) **CoC Award only**	An Administrative Entity that: ● Is a unit of general-purpose local government and has administered ESG funds as a HUD entitlement during at least one of the previous five years; ● Has no unresolved ESG monitoring findings with HUD or the Department that the Department determines poses a substantial risk to the Department; ● Can demonstrate the ability and willingness to perform the functions of an Administrative Entity (see " Administrative Entity and CoC Responsibilities" below and 25 CCR Section 8403 of the State Regulations); ● Be recommended by the CoC and willing to collaborate to the maximum extent feasible with its CoC. ● Follow Department requirements of 25 CCR 8403(k). For any change in AE.	Has received funding from HUD in at least one of the past two years or has registered to apply for funding in the next competition; ● Has HUD-compliant conflict of interest policies in place; ● Has adopted written standards for the proposed activity; and ● Operates a HUD-compliant Homeless Management Information System (HMIS)	AE is approved by State for 2 years. Compliance: for requirement 5. is Fed reg are 24 CFR 576 State See HCD list p. 2,5 Tracking and reporting FY 2023-24 funding.

HUD CoC Collaborative Applicant	● A unit of government or governmental instrumentality ● A private non-profit that is eligible for funding, or ● A legal entity may not be for profit.	CoC must be registered with HUD, designates the Collaborative Applicant per Governance Charter. Change in CA requires communication with HUD and designation during annual cycle.	Per 24 CFR 578 and Governance Charter. Annual NOFO application and reports. See pg. 9 for list Planning Grant submittal, activities, and implementation.

Chapter 4: Appendix B - Crosswalk

Crosswalk: HUD Collaborative Applicant and State Administrative Entity Roles and Responsibilities *(funding source requirements)*

Collaborative Applicant Roles and Responsibilities	**Administrative Entity Roles and Responsibilities** ***(for CoC Allocated Funds only)***
Recordkeeping requirements:	**Grants:**
● Evidence that the Board selected by the Continuum of Care meets the requirements of 24 CFR §578.5(b)	• Ensure the Administrative Entity that is selected by the CoC for the is registered and approved by the State.
● Evidence that the CoC has been established and operated as set forth in Subpart B, including: − Published agendas and meeting minutes; − An approved Governance Charter that is reviewed and updated annually; − A written process for selecting a board that is reviewed and updated at least once every five (5) years; − Designating a single HMIS for the CoC; and − Monitoring reports of recipients and subrecipients.	• Ensure completion of local planning processes as required by the specific state funding source. For example: HHAP 5 community meetings and recipient plan(s). • Complete and submit State grant applications for CoC portion of state-funded homeless programs.
● Evidence that the CoC has prepared the application for funds as set forth in 24 CFR §578.9, including the designation of the eligible applicant to be the Collaborative Applicant.	• Verify all components of the electronic application are completed as directed in funding source announcement.
Administration:	**Administration:**
● Provide staff for CoC General Membership and CoC Board meetings for sending announcements, recording meeting attendance, and taking and maintaining meeting minutes.	• Enter into contract with the State Agency to receive CoC portions of State homeless programs such as HHAP and ESG funds
● Inform the CoC of HUD notices, interim rules, and changes to regulations.	• Responsible for tracking of funds and meeting the terms and conditions of the State contract(s).
● Coordinate the monitoring of performance and evaluation, and report findings to program recipients, the Board and membership.	• Contracting (when necessary) with sub-recipients and reporting on funds and activities to Cal ICH.

HUD Annual Requirements:	**State Requirements:**
CoC Program Registration	Ensure AE has been approved by the State (AE authorization by State for ESG is valid for 2 years).
Housing Inventory Count (HIC)	Update housing and services profiles in reports.
Point-in-Time Count (PITC)	Report PITS HMIS Data to HMIS.
Grant Inventory Worksheets (GIW)	Providing HMIS data to the State HDIS.
Local Application Process	
System Performance Measures (SPMs) PIT/HIC Data Entry	Extract SPM for state-supported programs.
Facilitate the CoC Program Competition	
Notice of Funding Opportunity (NOFO)	Track and respond to State announcements of funds available during the FY.
Consolidated Plan	Ensure priorities/projects being submitted to state align with the Consolidated Plan and CoC strategies for the CoC portion of state funds.
Longitudinal Systems Analysis (LSA)	Submitting required reports.
Grant Awards	Design and contract for use of planning and administrative funds; ensure local allocations meet minimum requirements as established by state – example youth program funding.
Consultation Requirements: (per 24 CFR 578)	**Consultation Requirements:**
Consult with CoC, HMIS, and ESG recipients – (per 24 CFR 578) to establish, set standards for operation of Coordinated Entry System	Ensures CoC meets State funding activities for consultation, coordination, and planning to meet State funding requirements.
Consult on Governance Charter policies and procedures, including code of conduct and recusal process.	No equivalent requirement.
Other Support Activities as negotiated and specified in the MOU.	Other Support Activities as negotiated and required by the State funding program.

Chapter4: Appendix C State Program Narrative

Please use the link below to access the file describing the State funding programs for addressing homelessness.

..\..\Administrative Entity\AE and CA Definitions and details 10.6.23.docx

Chapter 5: Homeless Management Information System Lead Agency

Introduction

One of the responsibilities of the Continuum of Care (CoC) is to implement a Homeless Management of Information System (HMIS) as prescribed by the U.S. Department of Housing and Urban Development (HUD). This chapter addresses the plan for implementation and management of the HMIS.

References

The following references are applicable to the information in this chapter:

- 24 CFR 578.7(a)(3)
- HUD HMIS Data and Technical Standards, 2026 . https://www.hudexchange.info/programs/hmis/hmis-data-standards/
- HUD HMIS Data Dictionary 2026. https://files.hudexchange.info/resources/documents/HMIS-Data-Dictionary.pdf

HUD HMIS CoC Manual https://www.hudexchange.info/resource/4445/coc-program-hmis-manual/

Overview and HUD Requirements

The HMIS Lead Agency plays a vital role as the data repository, tracking, and report generating entity for the CoC. Together with the CoC Membership, CoC Board, Collaborative Applicant, and Coordinated Entry System (CES) Lead Entity, the HMIS Lead Agency works to ensure that the system serves people who are homeless or at imminent risk of homelessness by providing them with support to quickly establish and retain permanent housing.

Per HUD requirements, the CoC must designate a legal entity and CoC Program-eligible applicant to serve as the HMIS Lead Agency that will:

- Maintain the community's HMIS in compliance with HUD standards related to data standards, privacy, security, and reporting requirements, and
- Coordinate all related activities including training, maintenance, and the provision of technical assistance to contributing organizations.

The HMIS Lead Agency is responsible for the administration and daily operation of the system. HUD expects the HMIS Lead Agency to also include data from all homeless- dedicated housing and shelter resources within the CoC boundaries, whether or not they receive HUD funds.

HMIS and Victim Service Providers

There can only be one HMIS system for the CoC, with an exception for Victim Service Providers (VSP) who gather data in a secured data system comparable to an HMIS. All CoC and Emergency Solutions Grant (ESG) grant recipients must contribute client-level data to the HMIS to meet the HUD reporting requirements.

Term

The designation of HMIS Lead Agency is valid for a maximum of three (3) years before it must be reviewed and approved by a vote of the CoC Board. There will be no requirement for a Request for Proposal (RFP). In response to negligence or poor performance of the HMIS Lead Agency, the CoC Board reserves the right to open an RFP process at any time to identify and designate a new HMIS Lead Agency.

Performance Standards/Memorandum of Understanding

The responsibilities of the HMIS Lead Agency are documented in the *Memorandum of Understanding between San Bernardino County, Office of Homeless Services and CA- 609 San Bernardino City and County Continuum of Care, Homeless Management of Information System*, as approved by both parties.

The HMIS Lead Agency is responsible for approaching all efforts with impartiality and a sense of urgency that results in timely and effective implementation of the HMIS.

The senior position member (i.e., Director or Chief) of the HMIS Lead Agency is responsible for the direct management of HMIS staff and execution of the MOU. The CoC Board Chair and Vice Chair have the responsibility to define, update, and sign the MOU on behalf of the CoC. The MOU should contain all areas noted in this charter as under the purview of the HMIS Lead Agency.

The CoC Board will review the performance of the HMIS Lead Agency every year. The review will be based on the roles and responsibilities included in the MOU and the extent to which the HMIS Lead Agency executes the duties. The designation may be terminated at the sunset of the MOU, upon mutual agreement, or for cause with a vote of two-thirds the CoC voting membership.

At the time of creation and adoption of this charter, the SBC CoC has designated the County of San Bernardino Office of Homeless Services as the HMIS Lead Agency.

Roles and Responsibilities Overview

Roles and responsibilities of the HMIS Lead Agency include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.
- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with the CoC Board and the support structures to realize the vision for CoC system of care. The Lead works collaboratively within

the structure to coordinate and operationalize the area of responsibility.

- **Support**: Is consulted and/or an active participant in carrying out a HUD regulation in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of the HMIS Lead Agency

The following table identifies **Regulatory Roles and Responsibilities** of the HMIS Lead Agency as per Title 24 of the Code of Federal Regulations (CFR) and HUD HMIS Data Standards, and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Authority	HMIS Vendor Relations *HUD HMIS Data Standards*	● Has signing authority for the HMIS (including software and hardware vendors). ● Responsible for direct communications with HMIS vendor to ensure system performance.
	HMIS Funding *HUD HMIS Data Standards*	● Prepares applications for HMIS designated funding. ● Manages funding in compliance with funding source requirements.
Lead	Consult with the Collaborative Applicant to develop, follow, and annually update a Governance Charter that includes all HUD-required components *§578.5(a)(5)*	Consults with the Collaborative Applicant and CoC Board on the Governance Charter. (regulations require all 3 components to consult)
Lead	Designate a single HMIS for the CoC geographic area *§578.5(b)(1)*	Leads the review and selection of the HMIS software and vendor.
	Consult with the Collaborative Applicant and recipients of ESG program funds to establish and operate a Coordinated Entry System (CES) in accordance with HUD standards *§578.5(a)(8)*	Consult with the Collaborative Applicant and recipients of ESG program funds in establishing the CES and standards.
Lead, Continued	Ensure consistent participation in HMIS by the CoC and ESG recipients and subrecipients (federal) and State-funded CoC project recipients and subrecipients (State) *§578.5(b)(4)*	Ensures participation in HMIS and coordinates with Victim Service Providers regarding comparable databases.

	Ensure HMIS is administered in compliance with HUD standards and policies *§578.5(b)(5)*	● Ensures HMIS policies and procedures are updated to retain compliance with HUD data standards and HMIS requirements. ● Works with the HMIS vendor and participating agencies to retain compliance with HUD data standards. ● Enforces security and privacy standards. ● Manages annual reports to HUD. ● Oversees HMIS daily operations.
Support	Plan and conduct a Point-In-Time Count (PITC) throughout the CoC geographic area at least biennially *§578.5(c)(2)*[13]	Provides required data from the HMIS for the sheltered and unsheltered PITC.
	Conduct an annual gaps analysis of needs and services in the CoC geographic area *§578.5(c)(3)*	Assists the Board and subcommittee(s) in implementing gaps analysis in collaboration with Membership.

Locally Defined Roles and Responsibilities

The following table identifies **Locally Defined Roles and Responsibilities** of the HMIS Lead Agency:

Level of Responsibility	Activity	Implementation/Operation
Authority	HMIS Data Standards and Contracting	Manages all related written agreements, including agency, end user, and data sharing agreements.
	HMIS Privacy and Security Training	Provides agency and end-user training to ensure system integrity and data quality.
	HMIS Outreach and Engagement	Manages HMIS outreach and engagement, training, and technical assistance to direct service providers within the CoC.
	HMIS System Communication and updates	Keeps abreast of and informs the CoC Membership and Board on the HMIS, Annual Homeless Assessment Report, PITC and other data related regulation changes by HUD and the State of California.
	Project Level Data Services	● Offers HMIS expertise and recommendations regarding project performance evaluations and improvements. ● Collects and reports CoC and program performance data and use data gathered to quantify homelessness, communicate progress, and encourage performance improvement.

Lead	Ensures HMIS system is capable of implementing and supporting CES functions	● Incorporates the CES module in the HMIS system. ● Advises subcommittee on CES module design.
	Integration and implementation of CES Module	Responsible for working with the HMIS software vendor to ensure successful integration and ongoing implementation of the CES module in the HMIS system. Technical configuration of HMIS to support CES system implementation policies and prioritization standards as duly adopted by the CoC.
	HMIS Annual Reports	Ensures data entry, reconciliation, and report generation for the PITC, Housing Inventory Count (HIC), and Longitudinal Systems Analysis (LSA) data in the HUD Data Exchange.
	State Funding Reporting	Ensures HMIS data is transmitted to State Homeless Data Integration System as required.
	State Performance Data	Provides data and reports, acting as the Administrative Entity for state-allocated CoC funds.
	CoC HMIS and State HDIS Privacy and Security	Maintains and adheres to HMIS Policies and Procedures, Privacy Plan, Security Plan, and Data Quality Plan.
Support	System Improvement and Planning	● Partners with CoC committees to provide and interpret data needed for CoC and ESG Program, and system performance evaluation and improvement. ● Identifies and communicates current and emerging trends based on homeless data collected within the CoC.
	System Effectiveness and Evaluation	Engages in conversations related to outcome and performance data on the successes and challenges of people who are experiencing or have experienced homelessness.
	System Improvement	● Offers HMIS expertise and recommendations regarding system level process and performance. ● Makes recommendations to Board regarding HMIS and CES system improvements

Chapter 6: Coordinated Entry System Lead Entity

Introduction

The Continuum of Care (CoC) is required to consult with Emergency Solutions Grant (ESG) recipients and to establish and operate a Centralized or Coordinated Entry System (CES) to assess, prioritize, and offer housing and services to individuals and families. A designated CES Lead Entity is responsible for daily implementation of the CES.

This chapter addresses the roles and responsibilities of the CES Lead Entity for the CoC.

References

The following references are applicable to the information in this chapter:

- 24 CFR §578 (referred to as the CoC Program Interim Rule)
- Homeless Emergency Assistance and Rapid Transition to Housing: Continuum of Care Program, 77 Fed. Reg. 45422, July 31, 2012.
- CES Regulatory Guidance, Community Planning and Development (CPD) Notice 17- 01.
- SBCC CoC CES Review Findings and Recommendations adopted by the CoC Board in September of 2022 and updated SBCC CoC CES Policies Guide, March 2023.
- CES Memorandum of Understanding, 2024

Coordinated Entry System Lead Entity

The CES Lead:

- Operates the CES as described in the CES Review Findings and Recommendations, September 2022, and the CES Policies Guide, March 2023.
- Is expected to coordinate program participants' initial screening and assessment and provide referrals to homeless services.

Each CoC is required to designate an entity to serve as the CES Lead. The designated CES Lead is tasked with fulfilling the responsibilities defined below and in the Memorandum of Understanding (MOU) between the CoC Board, on behalf of the CoC membership, and the CES Lead. The CES Lead should approach all efforts with impartiality and a sense of urgency in connecting people with housing and services.

Term

The designation of CES Lead by a vote of the CoC Board is valid for a maximum of three (3) years before it must be reviewed and re-approved or changed. There will be no requirement for a Request for Proposal (RFP). A MOU between the CoC and the CES Lead will identify the applicable term dates. In response to negligence or poor performance of the CES Lead, the CoC Board reserves the right to open an RFP process at any time to identify and designate a new CES Lead.

Performance Standards/Memorandum of Understanding

The responsibilities of the CES Lead entity are documented in the *Continuum of Care CES Lead Memorandum of Understanding.* The *CES Review and recommendations Report* adopted in September 2023 a subsequent *CES Guides* that detail the design, standards, and operations for CES as a system.

The Chief Executive of the CES Lead Entity, supported by the CES Coordinator as designed by the CES Lead Entity, is responsible for the direct management of staff and execution of the MOU. The CoC Board, in consultation with the HMIS Lead agency, has the responsibility of defining, updating, and approving the MOU. The MOU should contain all areas noted in this Chapter as under the purview of the CES Lead entity. The CoC Collaborative Applicant will sign the MOU on behalf of the CoC.

The CoC will review the performance of the CES Lead every year and publish a summary report of the outcome. The review will be based on the roles and responsibilities as indicated in the MOU and the extent to which the CES Lead successfully executes the corresponding duties. The performance review will also take into account the input from the HMIS Lead Agency.

The designation of a CES Lead may be terminated at the sunset of the MOU, upon mutual agreement between the CES Lead Entity and the CoC Board, or for cause with a vote of at least two-thirds (2/3) of the CoC membership voting for termination.

At the time of creation and adoption of this charter, the San Bernardino City and County Continuum of Care (SBC CoC) has designated Inland So Cal United Way - 211 as the CES Lead entity. The Executive Director of So Cal Inland United Way - 211 has been designated as the Authorized Administrator for the CES Lead. The Chief of the Office of Homeless Services is the authorized signer for the CoC Collaborative Applicant with respect to the CES.

Roles and Responsibilities Overview

Roles and responsibilities of the CES Lead Entity include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.
- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with support structures to realize the vision for the CoC system of care. The Lead works collaboratively within the structure to coordinate and operationalize the area of responsibility.
- **Support**: Is consulted and/or an active participant in carrying out HUD regulations in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of the CES Lead Entity

The following table identifies **Regulatory Roles and Responsibilities** of the CES Lead Agency as per Title 24 of the Code of Federal Regulations (CFR), and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Lead	Consults with the Collaborative Applicant, HMIS Lead Agency, and recipients of ESG program funds to establish and operate a CES in accordance with HUD standards *§578.5(a)(8)*	• Designs and implements a CES: − To coordinate housing and services. − As described in the CES Review and Recommendations Report and the CES Policy Guide. • Establish an MOU with the Collaborative Applicant regarding the operation of the CES. • Submits regular reports to the CoC Board.
Support	Annual Review of CES	Provide data and other information to the CoC Board and Collaborative Applicant to successfully complete the annual review of the CES , performance, and outcomes.

Locally Defined Roles and Responsibilities

The following table identifies **Locally Defined Roles and Responsibilities** of the CES Lead Entity:

Level of Responsibility	Activity	Implementation/Operation
Authority	Regional Access Points	Solicit and contract with eligible entities to operate access points in each subregion as described in the CES Policy guide.
Authority	Signing Authority	Sign, on behalf of the CES, as described in MOU or as directed by CoC Board.
Oversight	Expertise and Recommendations	Offer CES expertise, recommendations, and best practices to the Board.
	Monitor CES user response.	Receive communication from system users and report to the CoC Board.

Lead	Funding	• Monitor opportunities for CES funding. • Prepare applications for Board approval.
	Regulatory Changes	• Maintain awareness of CES and outreach regulatory changes.
(Lead continued)		• Inform the CoC and Board of changes as appropriate. • Ensure the CES is implemented in compliance with HUD regulatory Changes.
	Privacy and Security	• Ensures privacy and security of personally identifiable information held by CES.
Support	CES Platform in HMIS	Coordinate with the HMIS Lead Agency in implementation of the CES Module in HMIS as adopted by the CoC
	Technical Assistance and Training	Offer technical assistance and training to the Board and CES providers.

Chapter 7: Emergency Solutions Grant

Introduction

Federal regulations (24 CFR 578) require the Continuum of Care (CoC) program to consult, plan, coordinate, and evaluate with Emergency Solutions Grant (ESG) recipients in the geographic area of the CoC. The intent of these efforts is to promote communitywide commitment to the goal of ending homelessness, and to promote access to and effective utilization of resources to assist homeless individuals and families achieve stable housing and optimal self-sufficiency. U.S. Department of Housing and Urban Development (HUD) regulations for the ESG entitlement (24 CFR 576) also incorporate consultation and coordination with the CoC.

This chapter addresses the roles and responsibilities for CoC coordination with the ESG program. Nothing in this Chapter is to be construed as giving the CoC authority over funds awarded directly to a State or Local Government where applicable law or administrative authority rests in the recipient. Those recipients remain responsible for administering those funds in compliance with applicable laws and regulations. To the extent that an ESG recipient voluntarily participates in CoC governance or CoC responsibilities, Charter provisions regarding ethics and behavior, conflicts of interest, transparency and responsibilities delegated to the organization remain applicable.

Purpose

The ESG Program provides funding to eligible jurisdictions to:

- Engage persons living in homelessness,
- Ensure quality operations of emergency shelters,
- Provide essentials services to shelter residents,
- Offer rapid rehousing opportunities to households and outreach to people living in homelessness, and
- Assist in the prevention of homelessness.

The CoC program does not currently fund emergency shelters or prevention. Consultation between the CoC and ESG programs is necessary to design a system of care to achieve HUD's primary goals by intentionally planning and leveraging resources available to the community to form a comprehensive system of shelter, housing, and services.

Like other State funds, such as the Homeless Housing, Assistance and Prevention (HHAP), the SBC CoC Charter does not govern the use of the State ESG entitlement funds.

Term

Designation of ESG eligible areas is determined by HUD and the State, and are publicly announced annually. These areas are referred to as ESG Entitlement Areas or ESG Recipients. Projects and subrecipients are determined through the application and request for funding processes established by the ESG recipients who are public entities.

At the time of adoption of this Charter, San Bernardino County and the CoC each receive an allocation of state-level ESG funds. The CoC must utilize an Administrative Entity to contract for and manage State ESG funds. See *Chapter 4 – HUD Collaborative Applicant and State Administrative Entity* for additional information.

Roles and Responsibilities Overview

Roles and responsibilities of the CoC Board include the following:

- **Regulatory Roles and Responsibilities**: Identified through federal and state regulation.
- **Locally Defined Roles and Responsibilities**: Delegated by the Membership.

There are four basic levels of responsibility:

- **Authority:** Authority indicates the group with a formal vote as the responsible/approving body for a specific activity. Authority means the entity has the official vote.
- **Oversight**: Oversight indicates that reports and information will be provided to this body by another component. Note the distinction between Authority and Oversight. Oversight means the entity receives reports and assures that the task is completed by the Lead component.
- **Lead**: Charged with leading the action to implement the responsibility in accordance with the HUD regulations, CoC policies, and procedures. The Lead works closely with support structures to realize the vision for CoC system of care. The Lead works collaboratively within the structure to coordinate and operationalize the area of responsibility.
- **Support**: Is consulted and/or an active participant in carrying out a HUD regulation in collaboration with other structures and systems. These entities join the Lead in taking the action by providing expertise, information, and/or commitment to implementation.

Roles and Responsibilities of Emergency Solutions Grant Recipients

The following table identifies **Regulatory Roles and Responsibilities** of the Emergency Solutions Grant Recipients as per Title 24 of the Code of Federal Regulations (CFR), and is organized by Level of Responsibility:

Level of Responsibility	Activity	Implementation/Operation
Lead	Evaluation of ESG subrecipients in CoC	● Evaluate ESG subrecipients for compliance with regulations and written standards. ● Share results related to CoC program recipients on request.
Support	● Evaluate outcomes of projects funded by CoC and ESG, as well as State- funded CoC homelessness projects ● Make reports to the funding source as necessary *§578.5(a)(7)*	● CoC and ESG representatives participate in the evaluation of ESG-funded projects. ● Provide reports to CoC Board, or designee.

Support	Consult with Collaborative Applicant, HMIS Lead, and ESG areas to establish and operate a CES consistent with 24 CFR 578. Ensure consistent participation in HMIS by CoC and ESG recipients and subrecipients and state funded CoC projects in the Coordinated Entry System (CES) in accordance with HUD standards.	● Consult with Collaborative Applicant, HMIS Lead, and CES Lead on CES system design, assessment criteria and operating standards. ● Ensure ESG recipient participation in CES.
Support	Consult with recipients of ESG program funds (entitlements) to establish and consistently follow Written Standards for providing assistance.	● Consult with the CoC Board and subcommittee in establishing eligibility, policies, and priorities for assistance in CoC Written Standards.
Support	Ensure consistent participation in HMIS by CoC, ESG, and state-funded CoC project recipients and subrecipients. *§578.5 (b)(4)*	● Support the HMIS Lead Agency and Collaborative Applicant in ensuring ESG project participation in HMIS.
Support	Consult with State and local government ESG program recipients to plan the allocation of ESG funds. *§578.8 (c)*	● Consult with the Collaborative Applicant and CoC Board regarding the use of ESG funding.
Support	Evaluate performance of ESG subrecipients in CoC *§578.8 (c)(5)*	ESG staff evaluate ESG subrecipients for compli-ance with regulations and Written Standards. Share results related ● to CoC program recipients on request.

Locally Defined Roles and Responsibilities

The following table identifies **Locally Defined Roles and Responsibilities** for ESG recipients:

Level of Responsibility	**Activity**	• Implementation/Operation
Support	Annual Processes – Housing Inventory Chart (HIC) and Point- in-Time (PIT) count	• Encourage participation in the sheltered and unsheltered PIT count. • Provide all data needed for completion of the HIC to the Collaborative Applicant and HMIS Lead Agency for inclusion in the timely submittal of the HIC to HUD.
Support	Educate and advise the CoC on eligible uses of ESG funds	Encourage participation of public entities/ units of government to help educate and advise the CoC on eligible uses of ESG program funds.

Chapter 8: Committees

Introduction

This chapter addresses the roles, responsibilities, protocols, and practices governing the establishment and operation of committees in the Continuum of Care (CoC) structure. Committees may include Standing Committees, Ad Hoc Committees, Subcommittees, Task and Work Groups, and regional or other networks established in accordance with this Chapter. Ad Hoc groups and subcommittees may be convened by either the CoC Membership or the CoC Board. Like the CoC Board, any Committee that constitutes a legislative body under the Brown Act shall comply with all applicable Brown Act requirements.

Purpose

The purpose of Committees is to provide support and advice on the development of policies and procedures to effectively implement the CoC. The creation of Committees or Subcommittees and their policies must align with the Governance Charter and applicable law. Although broad community input is welcomed by the CoC, official advisory bodies are established through standard procedures.

Committee development is designed to achieve one or more of the following goals:

- Increase participation by the CoC Membership, Board, and other stakeholders in the policy development process;
- Undertake specific tasks assigned by the CoC Membership or Board;
- Develop proposals and recommendations for consideration;
- Interact with Collaborative Applicant staff;
- Designate representatives to interact with staff, Council members, and members of the County Board of Supervisors, so that the concerns of local governments are fully understood in the formulation of regional policies; and
- Seek the involvement of other regional agencies, and business and citizen groups so that their perspectives may inform CoC policies and decisions.

Roles and Responsibilities

Committees have the power and duty, within their identified responsibilities to:

- Compile, document, maintain, and provide Committee records and reports in accordance with CoC policies and legal requirements. Information protected by attorney-client privilege, and personally identifiable information that is protected by federal or state statute are exempt from posting.
- Provide copies of reports and minutes to the CoC Membership or Board that formed the Committee, as applicable,
- On its own initiative or in response to a request by a committee, committee members, members of the CoC or the Board, review CoC-related governing documents and recommend amendments to such documents.
- Conduct periodic reviews and recommend amendments to policies, written standards, and procedures to enhance the effectiveness of the CoC.
- Assist in the development and documentation of the structure and functioning of all committees.
- Develop internal standards for committees so long as they do not supersede or supplant existing

CoC rules and/or regulations.

- Create sub-committees or task groups as needed to complete its work.
- Adopt special rules, consistent with the Rules, Policies and Procedures of the CoC, as it deems advisable to govern the conduct of internal Committee business.
- Perform other duties assigned by the CoC Membership or Board and provide copies of correspondence through the CoC Secretary.

Committee Designations

Committees comprised of CoC members who are selected and invited to participate are established to perform specific functions for the CoC Membership or Board. These committees may be structured to provide specific services, research, and/or recommendations to further the work of these groups. All Committee meetings will be conducted in accordance with the CoC's Code of Conduct and Principles of Decorum.

Committees will be designated as either Decision-Making or Advisory:

- **Decision-Making Committees**
  Some, but not all, Standing Committees may be given decision-making power. The Standing Committees list identifies and describes these authorities.

  A decision-making committee is empowered to make certain types of decisions without returning to the CoC Membership or Authorizing group. These committees are required to follow Brown Act for public notice, public comment, and member restrictions. Decisions of these authorized Committees must be reported back to the Board and CoC Membership through reports or meeting minutes.

  Decision-Making Committees are Standing Committees that meet on regular dates and times as approved by the CoC or Board. Meeting agendas will be posted on the San Bernardino County Homeless Partnership website in advance of the meeting and a reference copy will be available at the meeting location. Agendas will have a designated time on the agenda for public comment. If a Decision-Making Committee wishes to solicit additional input, it may schedule a specific time and notify all stakeholders of that opportunity. If a committee wishes to request a meeting that is not regularly scheduled, the committee Chair must consult with Collaborative Applicant staff on the availability of meeting space and support staff needed for the meeting. Meeting notices will be distributed through the CoC Secretary.

  Committee Member attendance will be recognized distinctly from the public using a roll call, either through physical location for in-person meetings, or by name recognition in virtual meetings. A meeting summary should be kept to the extent necessary to record important discussions and decisions made and provided to the CoC Secretary. All motions must be recorded, including the persons making and seconding the motion and the outcome of the vote.

- **Advisory (Ad Hoc) Committees**.
  An Ad Hoc Committee is a temporary, advisory body established to address a specific and limited matter and shall dissolve upon completion of its assigned task. An Ad Hoc Committee shall consist solely of less than a quorum of the members of the body that created it and shall not have continuing subject-matter jurisdiction or a meeting schedule fixed by formal action. An Ad Hoc Committee meeting the requirements as identified in the Brown Act is not a legislative body subject to Brown Act protocols. However, established agendas will assist in meeting facilitation and transparency. An Advisory Committee may be established to help inform decisions made by the CoC Board or CoC Membership. These groups provide vital expertise and information through discussion on topics, areas of interest, or specific tasks related to the CoC and

community. The Chair or Facilitator of an Ad Hoc Committee can invite others from the community in order to strengthen achievement of the committee objectives but shall not serve as members of an Ad Hoc Committee that relies upon the Brown Act exception.

Committee Lists and Purpose

Specific committees may be designated as ongoing Standing committees, while other committees, discretionary, ad hoc, or working groups that are established as necessary for a period of time to accomplish special functions that achieve the responsibilities of the CoC or efficient operation of the CoC Membership or Board.

In addition to the responsibilities indicated for each subgroup below, responsibilities may be added or removed, as approved by the body that created the committee (CoC Membership or Board).

Standing Committees

A Standing Committee is one that is recognized as essential to the function of the CoC and is maintained on an ongoing basis unless dissolved through CoC Membership or Board action. Specific duties and responsibilities of each standing committee are outlined in subsequent sections of this Chapter. Standing Committees have a responsibility to increase the knowledge or capacity of the CoC related to their area of interest/domain.

Standing Committees typically have consistent membership throughout the calendar year and will reconsider membership every other year, similar to the Board selection. Members of a Standing Committee serve in two-year terms. Committee membership will be reviewed at the expiration of each term, and members may be reappointed or replaced in accordance with the applicable committee selection process. To maintain continuity, a member whose term has expired may continue to serve until a successor is appointed or the member is reappointed.

A Standing Committee may establish a temporary, advisory ad hoc subgroup consisting of less than a quorum of the members of the Standing Committee to address a specific and limited task. The subgroup shall have no continuing subject-matter jurisdiction and shall dissolve upon completion of its assigned task.

Committee Officers

Each Standing Committee will elect at least two committee officers: one to serve as Chair of that committee; and one to serve as Secretary. Officers are elected for a term of two years. Although not mandatory, Standing Committees will typically include at least five (5) CoC Voting Members. The protocols for selection of the officers for each position include the following:

- The nominee for a position receiving a majority of votes cast and who accepts the nomination will be declared as elected to fill the position.
- If no nominee receives a majority vote on any vote, then the lowest vote receiver and anyone not receiving a vote will be dropped from the next ballot until a nominee receives a majority.
- Each committee will designate a liaison who assists with communication to the full CoC or CoC Board as appropriate. Liaisons support their committee by communicating committee recommendations to the Membership or Board. The liaison functions could be assigned to a member of the committee who is also a Board Member or Committee Officer.
- The Committee Members, like all CoC Members, will abide by the Code of Conduct, including the Conflict-of-Interest policy.
- No two Committee Officers may come from the same agency or affiliated agency.

- New Committee members may be added at the discretion of a majority vote of the seated committee members.
- CoC-wide Committees are encouraged to consider subregional participation in committee membership.

Other Discretionary Committees

Other Discretionary Committees are appointed by the CoC Membership or Board as necessary to fulfill distinct needs of the CoC. The Membership Facilitators and Board Chair have the discretion to activate these committees with the concurrence of the Board or Membership body. The Chair, with the approval of the governing body, may identify additional Discretionary Committees as the needs of the CoC warrant. Such committees have the same general responsibilities to the Board and the Membership of the CoC as Standing Committees. Specific duties and responsibilities of Discretionary Committees will mirror general responsibilities of established Standing Committees.

The CoC Board is a legislative body under the Brown Act; therefore, a committee created by formal action of the Board is potentially a legislative body and must comply with the Brown Act unless it falls within a statutory exception, such as a temporary advisory committee composed solely of less than a quorum of Board members. In contrast, the CoC Membership is not a legislative body under the Charter, so a committee or workgroup created solely by the Membership does not become a Brown Act legislative body merely by virtue of its creation by the Membership. Brown Act status will require further analysis if the committee is created, authorized, or controlled by the Board, or otherwise independently qualifies as a legislative body. This Charter expressly distinguishes the non-legislative CoC Membership from the Brown Act-covered CoC Board.

Special Ad Hoc Committees

The CoC Facilitators or the Board Chair and Vice Chair may establish Ad Hoc Committees to address special, short-term projects. In contrast to other discretionary committees, the primary purpose of these committees is temporary, rendering it unlikely that these committees will continue beyond one year or as needed per year.

Committee Meeting Protocols

Location

Standing Committee meetings will be held at a location accessible to the public and accommodating to special needs. Virtual participation will be allowed in accordance with the committee protocol and Brown Act requirements. Committee Members can participate virtually from multiple locations within the CoC geography as long as the current Brown Act notices and rules for participation are followed.

Dates and Times of Committee Meetings

Meetings of Standing Committees will be held regularly. The date and time of committee meetings will be determined by the Committee Chair, in consultation with the other Committee member(s) and the appointed Secretary.

Distribution of Meeting Notices

- Decision-Making Committees:
    - Regular Meetings: No later than 3 days before each regular Standing Committee meeting, notice of a scheduled committee meeting shall be delivered, mailed, or transmitted

electronically to the Board Secretary so as to meet the Brown Act requirements (Government Code sections 54950-54963).

- Special Meetings: As soon as practical but not less than 24 hours prior to a Special Meeting, notice of the Special Meeting will be delivered, or transmitted electronically to the Secretary for release so as to meet the Brown Act requirements (Government Code sections 54950-54963).

- Advisory Committees and Ad Hoc Groups will set their own meeting schedule and agendas.

Agendas

The Chair of a Committee will be responsible for overseeing the preparation of the agenda for committee meetings, in consultation with the CoC Secretary. The agenda items for a committee meeting will remain within the subject matter of the committee as determined by the Charter or document approving an action. The committee Chair shall determine the order of agenda items and shall make time allocations for the agenda items.

Agenda Order

The agenda for any committee operating under the Brown Act will include verification of attendance, an opportunity for Public Comment, and approval of the minutes from the prior meeting. Although not a mandate, a typical Brown Act meeting sequence is:

1. Call to Order
2. Roll Call
3. Public Comment
4. Review of the Consent Calendar
5. Approval of the Minutes
6. Routine Business Items (such as reports)
7. Old Business
8. New Business
9. Adjournment

The Committee Chair has the discretion to change the order of agenda items.

Posting of the Agenda

- Time for Posting:
  - Regular Meetings: No later than 72 hours before the meeting. (§54954.2)
  - Special Committee Meetings. The agenda for a Special Committee Meeting shall be posted no later than 24 hours before the meeting. (§54956)
- Place and Manner of Posting:
  - On the San Bernardino County Homeless Partnership website (http://www.SBCcounty.gov/SBCchp)
  - At the meeting site.
    - In both instances, the agenda must be freely accessible to all members of the public (§54954.2)

Distribution of the Agenda Package

On the same day the agenda for a committee meeting is posted, the agenda will be transmitted electronically to:

- Each committee member.
- Members of the public having filed written or electronic requests to receive notifications.

Conduct of a Committee Meeting
In general, the conduct for committees shall be followed in accordance with the Code of Conduct and Principles of Decorum as described in Chapters 9 and 10 of this Charter.

Quorum and Voting
A quorum consists of a majority of the committee present in person or participating virtually in accordance with the stipulations of the Brown Act. A majority of voting committee members present is needed to carry a motion or other action.

When a quorum of voters present is not possible, the body can follow the procedures in Chapter 10 to invoke the Rule of Necessity. The Chair of every committee can vote as a member of the committee, so long as the Conflict-of-Interest rules are followed.

In general, committee proceedings should be conducted using the Principles of Decorum and will activate Roberts Rules of Order when necessary to maintain order.

Rights of Members of the Public
Members of the public have the right to:

- Attend all meetings of a committee except where confidential or exempt information is likely to be disclosed (in which case that part of the meeting will be held in closed session);
- Have access to reports and supporting documents, and any records of decisions made by the committee unless they contain confidential or exempt information; and
- Address the Committee during the designated public comment period regarding any matter within the Committee's subject-matter jurisdiction, and address the Committee regarding any specific item before or during the Committee's consideration of that item, consistent with applicable Brown Act requirements.. The CoC Board or Committee cannot restrict the scope of the comment as long as it relates to the subject matter jurisdiction of the body.

Responsibilities
Members of the public are expected to follow the Rules of Decorum when engaging in CoC meetings, including subcommittees. A member of the public who is violent, abusive, or threatening to any other person while at a meeting, or disrupts the ability of the meeting members to conduct business may be excluded from the meeting by the Chair, Co-Chair, or Coordinator of the meeting until such conduct is resolved.

Equal Opportunity
In all of its dealings with members of the public, the members of each committee will endeavor to provide the highest level of service and aim to distribute services fairly across the community, (except where they need to or by law must be targeted to meet special needs) regardless of age, gender, marital status, disability, color, race, nationality, ethnic and national origin, religious beliefs or sex and will investigate any complaint of noncompliance with this policy following the compliant procedures established by the CoC, the Office of Fair Housing, or HUD program rules.

Geographic Coverage and Community Input

To ensure effective communication with other stakeholders, the CoC will seek input from various groups and associations throughout the CoC. Liaisons identified in the Board Selection or Committee

processes will seek input and advice from each region of the CoC and systems and organizations that contribute to achieving the CoC objectives. Liaisons have a responsibility to communicate the input or advice of the subgroup to the CoC Membership and/or Board.

The CoC geography is comprised of five (5) geographic regions. Information from each region and regular communication within each region is essential to effective planning for the provision of housing and services to people living in homelessness, or at risk of homelessness. To ensure these vital connections, Liaisons will be responsible for participating in homeless activities in the regions. The regions are identified as:

- Central Valley
- High Desert
- East Desert
- Mountains
- West Valley

To ensure inclusive participation of a wide array of other community systems and organizations, the CoC will seek input from subject matter experts, professionals, and advocates, and persons with lived experience who enhance the understanding of

homelessness, special-needs subgroups, and community resources. The CoC will outreach to these community assets to learn from them and hear their perspectives on CoC plans and strategies.

Community- Based Input

CoC Liaisons will meet with community groups and other professionals as often as necessary to inform CoC goals and actions. Each Liaison will provide a summary of activities, key information and recommendations and report back to the CoC and Board through the CoC Secretary at meetings, or as requested by the Board.

Although not part of the formal CoC governance structure, information from community experts and regional groups assists the CoC by:

- Offering information about regional priorities, goals, and strategies
- Facilitating regional alignment of resources and service coordination.
- Announcing opportunities for regional participation in CoC activities.
- Engaging a broad range of public and private stakeholders in regional planning and coordinated service delivery.
- Providing insight on service gaps and needed projects or resources.

Regional Steering Committees

Regional Steering Committees (RSC) are regionally-based committees that advise the CoC Membership and Board. These committees are constituted by the organizations in their respective geographic areas, and function as advisory groups ~~subcommittees~~ to the CoC.

Regions

The Regional Steering Committees are comprised of five (5) regional groups representing the following regions as identified in the Governance Charter:

- Central Valley
- High Desert

- East Desert
- Mountains
- West Valley

Members
Each RSC is constituted by the relevant parties in the subregion and are typically comprised of CoC members, members of the provider networks, and representatives from each regional city, incorporated and unincorporated, schools, county agencies, and public and private entities. Participation on a RSC does not automatically entitle the member to either CoC or Board Membership. RSC members are subject to the same requirements and processes as other participants in the CoC Full Membership or Board.

Meetings
Each RSC will meet as often as necessary to accomplish their purpose. To assist in continuous communication, each RSC will retain meeting minutes and make them available to the CoC and Board through the CoC Secretary and provide a summary of activities and other recommendations monthly or as requested by the Board. Each Regional Steering Committee may create subcommittees to focus on specific issues, challenges, or projects related to the committee's tasks.

Role and Functions
RSCs are able to provide leadership and serve as a regional advisory body to the CoC through a selected regional liaison to the CoC Membership and Board. Although governed externally, RSCs can assist the CoC by:

- Addressing regional priorities, goals, and action steps to assist in implementing action adopted by the CoC Membership or Board.
- Facilitating regional alignment of resources and service coordination.
- Coordinating regional participation in CoC activities.
- Engaging a broad range of public and private stakeholders in regional planning and coordinated service delivery.
- Providing project funding priorities and recommendations to regionally fund resources, based on a project prioritization process.
- Facilitating alignment across the CoC as a whole for coordinating, planning, and investment.

Committee Name	Category	Protocol	Description
CoC Governance Board (Board)	Decision-Making	Brown Act	• Charged with substantial responsibilities, authorities, leadership, and support duties as identified in the Chapter 3: CoC Board of this Governance Charter[9]. • Required by the U.S. Department of Housing and Urban Development (HUD) regulations[10].
Membership Committee	Advisory to CoC	CoC Decorum, Robert's Rule	• Assists with the ongoing review of the CoC Governance and the enhancement of CoC Member participation. • Collaborates with the Board Chair and County Counsel to enhance an understanding of the Charter and Rules to refine for clarity, as needed.

[9] See Chapter 3: CoC Board.
[10] HUD regulations at 24 CFR 578

			● Develops membership procedures, and reviews strategies for the recruitment of new members. ● Develops and implements strategies for welcoming new Board members. ● Implements strategies for re-instating lapsed members.
CoC Performance Oversight and Review Committee	Advisory	Brown Act	● Assists with monitoring the CoC's strategic, operational, fiscal, and grant performance of federal and state CoC-funded programs. The Performance Oversight and Review Committee: ● Ensures: - Alignment between local, state and/or HUD strategic priority system performance measures and local performance measures as established in accordance with regulation. - Optimal performance of the CoC through the actions of task groups focused on evaluating key areas of system design and performance. (Although the Performance Oversight and Review Committee is a Standing Committee, a task group could be time-limited and convened for the period of time needed to accomplish the assigned task to it. – For example a non-conflicted group to review and recommend ranking of projects for the CoC Competitive Application following HUD and CoC Priorities. ● Provides oversight of CoC-funded recipients, reviews data outcomes, and makes recommendations based upon documented outcomes. ● Reviews annual performance of organizations and/or programs and provides strategic recommendations regarding outcomes to the Board. ● Provides recommendations on current policies and procedures for accessing the CoC homeless service delivery system, complementing County contract compliance standards.
Regional Steering Committees (established though the Homeless Partnership Network)	Advisory	Brown Act	● Provide information and insight about the needs and priorities of the geographic subregion. ● Helps facilitate communication between the subregion and the CoC Membership and Board.

Youth Action Board (YAB)	Advisory	Brown Act	● Provides feedback and leadership on issues related to youth and young adult homelessness. ● Leads discussion and forms recommendations regarding youth -dedicated funding, subject to funding source regulations and ratification by the CoC Board. ● Appoints Member to the CoC Board Dedicated Seat
HMIS and CES Advisory Groups?			● (HMIS Lead is established per regulations and does not require a working group, there is an MOU between the Collaborative Applicant on behalf of the CoC and the Lead entity.) ● (CES Lead Entity is selected by the CoC and is subject to review every 3 years. Current CES Policy Standards require regular reports to the CoC Board.)

Chapter 9: Code of Conduct

Introduction

Continuum of Care (CoC) entities engaged in activities supported by federal resources are required by federal regulations to develop and follow a Code of Conduct. This chapter addresses information related to the San Bernardino City and County CoC (SBC CoC) Code of Conduct.

References

The following references are applicable to the information in this chapter:

- 2 CFR 200
- 24 CFR 578
- General Administrative, National, And Departmental Policy Requirements and Terms For HUD's Financial Assistance Programs[11]

Overview

The U.S. Department of Housing and Urban Development (HUD), as well as the State of California, offer substantial resources to address homelessness in the CoC. The CoC is entrusted with specific responsibilities related to the use of public funds invested in addressing a serious community concern, homelessness. Members are expected to observe the highest standards of ethical conduct in the execution of these responsibilities. In addition to federal and state regulations, administrative publications help guide individuals and organizations in implementing Code of Conduct standards.

CoC Responsibilities

The CoC:

- Establishes a Code of Conduct for the management of the CoC's core structures (CoC Membership, CoC Board, subcommittees, ad hoc committees and working groups), and
- Ensures the Homeless Management Information System (HMIS) Lead Agency, Coordinated Entry System (CES) Lead Agency, and recipient and subrecipient organizations have:
  - Established a Code of Conduct compliant with federal regulations, and
  - Registered their Code of Conduct policy document in the HUD Code of Conduct E-Library. HUD E-Library[12]

This E-Library is a depository of the Code of Conduct policies from organizations that request or receive HUD funds.

[11] https://www.hud.gov/sites/default/files/CFO/documents/General-Administrative-National-Departmetal-Policy-Requirements-Terms-Financial-Assistance-Programs.pdf

[12] The HUD Code of Conduct E-Library is found at https://www.hud.gov/hud-partners/grants-code-of-conduct.

CoC Members

All Applicants participating in the CoC funding must submit a Code of Conduct policy that addresses the applicable section of "Conducting Business in Accordance with Ethical Standards" requirements included in the Administrative, National & Departmental Policy Requirements and Terms for HUD's Financial Assistance. These Codes of Conduct must reference the 2 CFR 200 regulations.

In most instances, participating CoC members are employed by a responsible public, non-profit or private sector agency or firm that has an adopted Code of Conduct or Employee Manual that controls the behavior of the employee in the conduct of business on behalf of his/her employer. When conducting business on behalf of the CoC, each person and organization will abide by the Code of Conduct established by the CoC. Concerns about member conduct will be referred to the ~~Bylaws and~~ Membership Committee and, if warranted, for investigation and possible referral of the individual or member's agency for any personnel or legal action that may be warranted.

Members are expected to carry out the mandate of the CoC to the best of their ability and maintain the highest standards of integrity for actions with other Members of the Board, Committees, CoC Representatives, Service Recipients, Service Providers, and members of the public. Members of the Board and Standing Committee Chairpersons will complete ethics training or ethical standards review at the beginning of their initial term of office.

Principles of Decorum and General Conduct

While Roberts Rules of Order inform the official foundation of meeting management, the SBC CoC strives to promote an inclusive, cordial, and consensus-building environment focused on achieving positive outcomes for the people/communities being served. To that end, CoC meeting decorum are based on the following basic principles:

- **Safe, Non-Abusive Space**: This is a safe space where everyone's opinion matters. Therefore, members of the CoC are expected to conduct themselves with courtesy and respect without harassment, physical or verbal abuse, or threats of abuse.
- **Inclusion of many voices:** We aim to allow every CoC member the opportunity to give input. Please be respectful of the person speaking, and do not speak while they are speaking. When it is your turn to speak, please do not disparage another person or agency with your comments.
- **Respect of time limits:** Please be respectful of the time set for meetings. Arrive on time, plan to stay for the entire meeting, and be concise when it's your turn to speak/give input. The Chair or Facilitator can impose a standardized time limit for all speakers.
- **Resolution of Conflicts:** If you have a grievance/complaint against another CoC member/member organization, the issue should first be brought to the attention of the person/organization before being addressed at a public meeting. If the matter cannot be resolved, consider filing a formal grievance as implemented by the CoC. This provision does not remove the rights of a member of the public to speak in accordance with established protocols.
- **Professionalism:** Professional conduct is an expectation. Professionalism is portrayed in your demeanor and quality of behavior that is open, respectful, and poised. Professionalism is shown in actions that are confident, but not aggressive. Professional conduct allows us to gracefully listen to each other even if opinions differ. Physically aggressive behavior is prohibited. Examples of unprofessional behavior includes, but is not limited to, spoken, written, virtual, cyber-bullying, and physical conduct and expressions that are threatening, berating, vulgar, degrading, demeaning or intended to show contempt or disdain for another. This applies regardless of if the person is present or observes the behavior. Such conduct is prohibited if it is directed at or relates to members of the Board, Committee Members, Members of the CoC, and members of the public,

whether or not they are present to observe the behavior.

- **Reliable and Accountable:** Working together successfully is founded on personal reliability and accountability. Each of us are expected to follow through on commitments and be accountable to each other to achieve shared goals for the good of the community. All CoC Members are expected to exercise adequate control and supervision over matters for which they are individually responsible.
- **Ethics:** Ethical behavior conforms to policies and standards and promotes fairness, equity, and cultural competence. Personal relationships should not result in special considerations, including bias or favoritism, which influence the performance of their official duties in a manner contrary to the interest of the broader CoC.
- **Public Conduct:** The Principles of Decorum extend to actions beyond the official meeting time. When engaging in CoC business, actions should reflect the Principles of Decorum in any public forum or engagement.
- **Retaliation:** Retaliation is prohibited against any person who makes a complaint about a Member's professional behavior.
- **Protected Expression and Good-Faith Reporting.** Nothing in this Code will be interpreted or applied to prohibit, discourage, or sanction good-faith criticism of the CoC, its Board, committees, officers, staff, contractors, funded organizations, policies, expenditures, performance, or decisions; participation in public comment; disagreement with another member's position; reporting suspected misconduct or noncompliance; or communication with governmental or oversight authorities.

Registering disagreement with others in the discussion, will not constitute misconduct solely because it is critical, unpopular, uncomfortable, or directly expressed. This provision does not protect threats, unlawful harassment, intentional material disruption, knowingly false statements made with malicious intent where sanction is otherwise legally permissible, unauthorized disclosure of protected confidential information, or other objectively defined misconduct prohibited

Removal of a member or members of the public from a meeting shall comply with the Ralph M. Brown Act and other applicable law. Criticism, disagreement, offensive viewpoints, or expression of disapproval shall not by themselves constitute disruption**.**

Stewardship of Resources

CoC, Board, and Committee members must ensure the resources entrusted to them are used for conducting official business only. CoC, CoC Board, and Committee members must abide by the Conflict-of-Interest Policies established for CoC operations.

Conflict of Interest

The CoC Conflict of Interest Policy including details of all HUD required policy elements is found in Governance Charter Chapter 10.

Protection of Confidential Information

In line with the rules and guidelines of the CoC, CoC, Board, and Committee members have a responsibility to protect the security of any confidential information provided to, or generated by, the activities of the CoC. The CoC will comply with:

- Regulations protecting Personally Identifiable Information (PII), and
- Protections afforded for persons:

- Covered by:
  - Federal regulations (24 CFR 578.), and
  - The Violence Against Women Act (2022 Reauthorization), and
- In protected classes under anti-discrimination.

Public Statements and Media Response

When making public statements or speaking to the media on CoC matters, CoC. Board, and Committee Members will make clear whether they are speaking in their own name or if the CoC or Board Chair has empowered them to speak on the group's behalf.

Response to Charges of Violations of the Code of Conduct

Violations of any provision of this Code of Conduct may result in appropriate disciplinary action, which may include censure, removal of Membership, disqualification from holding future Board or Committee positions, and/or referral to appropriate authorities for civil and/or criminal prosecution. Determinations made with respect to potential violation of the Code of Conduct will in no way preclude or replace any other action that may be warranted by the Code.

Violations of the Principles of Decorum, including items that are not included in the e-Library Code of Conduct, may result in the member being:

- reminded of the Principles of Decorum;
- requested to cease and desist from the aberrant behavior;
- excluded from the meeting;
- escorted from the meeting site;
- suspended from meeting attendance until such time that the violation is remedied;
- subject to being removed from membership following the Code of Conduct Violation Process ;
- or other actions, such as security or law enforcement intervention, as deemed necessary by the convenor or Chairperson.
- Removal of a member of the public from a meeting will comply with the Ralph M. Brown Act and other applicable law. Criticism, disagreement, offensive viewpoints, or expression of disapproval will not by themselves, constitute disruption.

Code of Conduct Violation Process

Alleged violations of the Code of Conduct that are not able to be resolved during the meeting in which they occur, will be forwarded to the Membership Committee in writing. The referral will contain information about the incident(s) in question, the relevant component of the Code of Conduct, and will document any action taken prior to the referral to the Membership Committee. A copy of the referral will be provided to the Member who may choose file a written challenge the facts presented in the referral. The Membership Committee will review the information provided and determine, whether or not the issue can be resolved through mediation without a formal hearing.

Members of the Membership Committee involved in the processing of an alleged violation must recuse themselves from the review process or hearing, in accordance with the Conflict of Interest policy.

The Membership Committee upon a motion supported by a two-thirds (2/3) vote, may choose to conduct a future hearing concerning a possible violation of this Code of Conduct by a Member of the CoC, the Board, or subcommittee. The Member accused of violating this Code of Conduct will have thirty (30) days' notice prior to a hearing on the matter. The accused Member may bring witnesses on his or her behalf to the hearing, and the Membership Committee may elect to call witnesses to inquire into the matter.

If found, by a vote of two-thirds of the Membership Committee, that the accused Member has violated this Code of Conduct, the Committee will recommend an appropriate sanction to be implemented by the Board A Member found to have violated the Code of Conduct may, within thirty (30) days of such vote by the Membership Committee, challenge the recommendation for CoC Board consideration prior to the final decision of the Board. A record of the decision of the CoC Board to sanction a Member for a violation of this Code of Conduct will be placed in the minutes of the Board.

If requested by a majority of the Board, the Committee may also give guidance to the CoC concerning other aspects of conduct, including actions of staff, consultants or other persons charged with implementation of duties relative to their assigned responsibilities.

Documentation of Board Action

The CoC Board must conduct/transact business in a fair and transparent manner. To this end, the Board will promptly create a record of actions, considerations, and decisions to be made available to members of the public in accordance with the California Public Records Act [CA Government Code, section 7920.000, et seq.]. Meetings of the Board are open to members of the public wishing to observe in accordance with established policies. The public may address the Board at its regular meetings concerning any matter within its purview during the time set aside for public comment. If a visitor to a Board meeting is verbally or physically disruptive to the proceedings, they may be asked to leave.

Ability to Conduct Business Under Government Awards

The CoC acknowledges the Code of Conduct for Doing Business under Federal Awards, "Conducting Business in Accordance with Ethical Standards" requirements as identified in the Administrative, National & Departmental Policy Requirements and Terms for HUDs Financial Assistance.[13]('Admin Policy Guide') and the U.S. Department of Housing and Urban Development (HUD) regulations 24 CFR 578 as the standards for the CoC Code of Conduct.

The elements of these requirements are incorporated, by reference, in the CoC Code of Conduct and the Conflict-of-Interest Chapters of the CoC Charter. Each CoC and ESG recipient and subrecipient organization must file a Code of Conduct compliant with applicable federal regulations with the HUD Code of Conduct e-Library. Information regarding what must be included in a HUD compliant Code of Conduct and instructions for filing a Code of Conduct are found in the Appendices.

Debarment or Suspension by Public Funding Sources

Organizations must be eligible to transact business with federal and local government. Individuals or agencies that are barred or suspended from transacting business with federal, state, or local

[13] https://www.hud.gov/sites/default/files/CFO/documents/General-Administrative-National-Departmetal-Policy-Requirements-Terms-Financial-Assistance-Programs.pdf

government will not be eligible to apply for funding Similarly, organizations applying for funding through the CoC must be able to transact business must meet HUD organizational threshold criteria specified by the funding opportunity announcement. These criteria serve to protect the use of public funds from fraud, mismanagement, and promote effective use of funds in the community. Declaration of eligibility status is incorporated into the annual review process. It is the responsibility of an organization or Board Member to advise the Membership Committee and Board of a change in status within 15 days of the change.

Response to Non-Compliance with Administrative Requirements

Entities that are found to be not in compliance with the requirements identified in the federal Admin Policy, or which are debarred or suspended from doing business with the federal or local government will not be allowed to apply for or receive funding through the CoC until the organization provides evidence from the applicable governmental entity that corrective action has resulted in reinstating the organization’s status as eligible to apply

Chapter 9. Appendix Registration of a Code of Conduct

Registration of an Organizational Code of Conduct

To be listed in the Code of Conduct e-library as required by HUD CoC policies, forward an electronic copy of the Code of Conduct statement to: askGMO@hud.gov

The email should contain:

1. Organization UEI#
2. Organization Legal Business Name (from the System for Award Management website [SAM.gov])
3. Complete mailing address
4. Name, title, email, and phone number for the person with executive authority.
5. Electronic code of conduct statement (searchable documents preferred)

The Code of Conduct e-library will be recorded in a single Microsoft Excel workbook displaying organizations with compliant Code of Conduct policy submissions. The Code of Conduct e-library is updated at least quarterly.

On Agency Letterhead

(Note: A cover letter on the company's letterhead must provide the name and title of the responsible official, mailing address, business telephone number and email address).

I. REQUIRED COVER LETTER

ABC Agency (LEGAL NAME) UEI #

_____

To All Interested or Invested Parties (or To Whom It May Concern):

The *ABC AGENCY* Code of Conduct for doing business with other entities and individuals, including federal departments, is designed for compliance with applicable regulations. For U.S. Department of Housing and Urban Development (HUD) under the Continuum of Care (CoC) the core regulations are found in 2 CFR part 200; 24 CFR part 578; and 24 CFR part 576.

Within *ABC Agency* the (name of position such as Executive Director, Board President, compliance officer) is responsible for compliance with the organizational Code of Conduct, including the Conflict-of-Interest Policy. The contact information for this individual is:

Name of Individual _____

Title or Position _____

Mailing Address _____

City _____State _____

Zip code _____

E-Mail Address _____

Telephone Number _____Fax Number _____

A copy of the organizational Code of Conduct for Doing Business Under Federal Awards, is attached for review and registry in the Code of Conduct e-library.

Respectfully submitted,

SIGNATURE

Executive Director (or Title of Authorized Administrator)

(Code of Conduct Attached).

Chapter 9: Appendix Components of a Code of Conduct

Checklist for HUD-compliant Codes of Conduct. A compliant code of conduct must:

1. Be accompanied by a cover letter on company letterhead that provides the name and title of the responsible official, mailing address, business telephone number and email address;
2. Cover individual and organizational conflicts of interest;
3. Reference to regulation Federal regulations (2 CFR part 200) and HUD's Notices of Funding Opportunity (NOFO) for discretionary funds require non-Federal entities receiving Federal assistance awards to develop and maintain written standards/codes of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.
4. Clear statement that: No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest (2 CFR 200.318(c)(1)). HUD grantees are required to submit their code of conduct to HUD.
5. Prohibit real and apparent conflicts of interest that may arise among officers, employees or agents, or any member of his or her immediate family, his or her partner or an organization that employs any of the indicated parties.
6. Prohibit the solicitation and acceptance by employees, of gifts or gratuities in excess of nominal value; or Meals of a nominal value.
7. Address acceptance of awards and/or honors by employees and officers.
8. Prohibit (no self-interest or immediate family special benefit consideration); including but not limited to Use of Authority or Property outside the processes afforded the public.
9. Prohibit Fraud
10. Require adherence to established standards set for confidentiality, privacy, and management of personally identifiable information.
11. Include a statement of General conduct – Non-discrimination, prevention and response to sexual harassment.
12. Provide for administrative and disciplinary actions to be applied for violations of such standards.
13. A declaration that the organization will abide by the Administrative, National, and Department Policy Requirements and Terms for HUD Financial Assistance.
14. Include an effective date to extend beyond the period of direct engagement with the organization, such as the Conflict of Interest restrictions continue for six months (or more) after leaving the covered role.

Some organizations may choose to include other topics such as those listed below. These are not required.

1) Political Activities. (Lobbying) – Stating this will not include the use of public federal funding,
2) Address Outside Employment & Other activities. Is Other Employment Permitted- Note That Conflict of Interest Applies
3) Indebtedness. – How Funds Owed To Grant Sources Would Be Handled
4) Abuse of Alcohol & other substances. – Drug Free Workplace Policy For Employees And Volunteers

Chapter 10: Conflict of Interest

Introduction

Recipients (grantees) and subrecipients of Continuum of Care (CoC) funds are required to create, submit, and follow a Code of Conduct compliant with 2 CFR 200.317 and 318, including a Conflict-of-Interest policy that meets U.S. Department of Housing and Urban Development (HUD) regulations in 24 CFR 578.95. The CoC is responsible for ensuring compliance with these regulations. This chapter addresses information related to the Conflict-of-Interest policy.

Purpose

The purpose of the CoC Conflict of Interest policy is to preserve the CoC's commitment to the highest standards of integrity, fairness, and conduct and to ensure the public trust. Members of the CoC are expected to conduct themselves in the best interest of the community with the highest integrity. The policy is intended to meet HUD's regulatory requirements but does not replace additional, applicable state and federal laws governing conflicts of interest applicable to public entities, nonprofits, and charitable organizations. The intent is to avoid any actual conflict of interest or the appearance of a conflict of interest. Each person to whom this policy applies must be free of any activity, association, or investment which could influence, or give the appearance of interfering with, the independent exercise of his or her judgment in conducting the CoC's activities, or in dealing with the CoC.

Policy

Participants in the CoC will refrain from engaging in actions that constitute or appear to constitute a conflict of interest as described in this policy when conducting CoC business.

Definitions

Conflict of Interest

A conflict of interest is a situation where an individual or organization has competing personal, financial, or professional interests. These interests can clash, making it difficult to make an impartial decision, directly threatening the duty of loyalty of objectivity wed to each party. Conflicts of interest often fall into one of four categories below, but are not limited to them.

Financial conflicts exist when a person or organization will benefit monetarily, either increasing their financial position, avoiding loss, or gaining access to financial resources.

Personal relationships when family ties, friendships, partnerships, or other personal ties interfere, or could interfere with the person or organization's capacity to remain objective. Nepotism is an example of a personal conflict; serving on two decision-making bodies with competing interests; requests for special consideration or alterations in the standard decision-making process.

Organizational conflicts happen when a company, board, or department has competing duties, loyalties, or objectives that compromise their obligations to a client or stakeholder.

Informational (Privilege) conflicts occur when an individual or organization uses privileged, confidential,

or "inside" information obtained in their professional role for personal advantage.

Interested Individuals / Covered Parties

The Conflict-of-Interest policies apply to persons and organizations that are referred to as interested individuals and covered parties.

No member or spouse, dependent, or other immediate family of the member, may participate in or influence discussions and/or decisions concerning the award of a grant or other financial benefits to an organization that the member represents or is directly connected to, nor to themselves as individuals. 'Directly connected' includes any official relationship, such as participation as a staff, a member of the Board, a contractor or engaged in other activities involving financial remuneration or other non-financial benefits.

Interested parties including all CoC personnel and representatives, whether paid or unpaid, will refrain from any real or perceived conflicts of interest as described in 24 CFR 578.95 as well as any applicable program regulations, grant agreements, or contract specifications.

HUD rules under 24 CFR 578.95(b) specifically state that no CoC Board Member may participate in or influence the discussions or resulting decisions concerning the award of a grant or other benefits to the organization the member represents. HUD rules in 24 CFR 578.95(c) specify organizational conflicts of interest, while part 24 CFR 578.95(d) is related to other conflicts. The statements emphasize and further explain, but do not eliminate, the requirements under 2 CFR 200. And 24 CFR 578.95(d) 1The term of restriction endures for one year following the tenure of service or the cessation of roles that created the conflict of interest. For example, if a conflict of interest is based on an individual being an employee or on the Board of an organization and also voting member of the CoC, the one year restriction would begin at the time that the individual ceased being an employee or Board Member and continue for one year.

Interested Organizations

An 'interested organization" is described to align with the code of conduct for doing business and ethical standards requirements as identified in the Administrative, National & Departmental Policy Requirements and Terms for HUDs Financial Assistance. ('Admin Policy') and the U.S. Department of Housing and Urban Development (HUD) regulations.

An organizational conflict arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable to or potentially unable to render an impartial decision.

No person who is an employee, agent, consultant, officer, or elected or appointed official representative of a recipient or subrecipient organization and who exercises or has exercised any functions or responsibilities with respect to funded activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect to, or the proceeds or non-financial benefit, either themself, or for those with whom they have immediate family or business ties, or the organization(s) they represent.

Term of Restriction

These conflict-of-interest restrictions are applicable to all covered persons during the period for engagement or for one year thereafter. Immediate family ties include (whether by blood, marriage, or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister

(including a stepbrother or stepsister), grandparent, grandchild, and in-laws of an 'interested' person or organization.

Similar to conflicts of financial interest, no member may engage in the conflict of representation/commitment. Members who are directly connected to an organization, or whose immediate family are directly connected to an organization, must declare the conflict, and take action as described in this policy to resolve the conflict of representation.

Minimum Requirements

HUD requires the CoC Conflict of Interest Policy to:

- Address the "Conducting Business in Accordance with Ethical Standards" requirements included in the Administrative, National & Departmental Policy.
- Prohibit real and apparent conflicts of interest that may arise among officers, employees or agents, and any member of his or her immediate family, partner, or an organization that employs any of the covered parties;
- Hold that policies also apply to other organizational conflicts of interest;
- Prohibit the solicitation or acceptance of gratuities or inducements in excess of a minimum value by covered persons or organizations, and
- Provide for administrative and disciplinary actions to be applied for actions in violation of the standard.

Failure to provide a compliant code of conduct, including the conflict-of-interest policy, and/or to notify HUD of conflicts of interest can result in sanctions, including removal of HUD funds.

Gratuities and Inducements

Interested persons are covered by the general prohibitions of 2 CFR 200 and the HUD conflict of interest policy under 24 CFR 578 from gaining, or attempting to gain, non- financial benefits through requests for exceptions to policies and procedures that fall outside the standards established for exception. Unsolicited nominal gratuities that may be allowed will be defined as gifts, items, or services valued at $100 or less and not exceed an aggregate of $630 in a 12-month period.

Procurement and Evaluation or Property and Services

Conflict of Interest extends to the procurement of goods and services as described in:

- 2 CFR 200.317 for private funds
- 2 CFR 200.318(c) for federal funds
- 24 CFR 578.95 for HUD CoC funds
- 24 CFR 576 for Emergency Solutions Grant (ESG) funds

The only exceptions that are allowed to these procurement guidelines are those contained in a specific list in the Admin Policy and 24 CFR 578.95 (d)2 when there is written permission from HUD.

Conflicts of interest can extend beyond basic procurement. Ongoing evaluation of services, performance of duties, and outcomes must also be protected. No employee, representative, or covered party whose performance, selection, funding or compliance is under consideration or review may participate in the evaluation or decision pertaining to selection or funding of the organization, except to

provide factual information as requested for the evaluation and selection process.

Disclosure of a Conflict of Interest

In accordance with regulations, conflicts of interest must be disclosed. Any individual participating in or influencing decision making must identify actual or perceived conflicts of interest/representation as they arise and comply with the letter and spirit of this policy. Disclosure should occur at the earliest possible time and, if possible, prior to the discussion of any such issue. Individuals with a conflict of interest should abstain from discussion and voting on any issue in which they may have a conflict.

Affirmation Statement

To ensure Members are fully aware of the Conflict-of-Interest Policy, the CoC requires each CoC Member (inclusive of Voting Members, CoC Board Members and Committee Members) to annually sign a statement which affirms such person has:

- Received a copy of the Conflict of Interest Policy;
- Read and understands the policy; and
- Agreed to comply with the policy.

Each Member of the CoC will annually sign a statement which declares whether such person has one or more conflicts of interest.

No Covered Person may vote, score, rank, review, or participate in any funding/procurement decision until a current disclosure statement is on file.

If at any time during the year, the information in the annual statement changes materially, the CoC Member will disclose such changes and revise the annual disclosure form within 10 days and will comply with the Conflict of Interest protocols from the point in time that the conflict exists.

The Board Secretary will regularly monitor and enforce compliance with this policy through notice to the Board after reviewing annual statements. The Board will take other actions as are necessary for effective oversight.

Recusal of Self

Any CoC Member, representative, or ‘interested’ person has an opportunity to recuse themselves from involvement in any decision or discussion in which the member believes there may be a real or perceived conflict of interest, without going through a process to determine whether a conflict of interest exists.

Implementation of Policy

The Conflict of Interest Policy will be reviewed annually during review of the Governance Charter.

The disclosure of conflicts of interest statements for each official member will be completed when applying for continuing membership in the CoC. The process will ensure that each representative:

- Has access to the Conflict of Interest Policy;
- Declares that he/she has read and understands the policy;

- Agrees to comply with the policy; and
- Discloses conflicts of interest.

Voting Members need to file the required disclosure statement prior to participating in a discussion or vote on an item where a real conflict of interest applies. All voting members shall have the right to recuse themselves from voting on a matter without providing excuse.

Recusal Protocols

Recusal protocols depend on the type of interaction and level of decision under consideration. Covered persons, such as family members, are asked to declare a potential conflict of interest as part of any request to speak as a member of the public on an action item. Covered persons may not use Public Comment, nor use electronic means to circumvent the Conflict of Interest Policy. For example, covered persons cannot engage in Public Comment, or use email, chat, text, or voice mail messages to comment on issues where they have a real or perceived conflict of interest.

The table below provides the recusal protocol to be followed based on the type of conflict:

Situation	Recusal Protocol
Ratification of an action on a Consent Agenda	Member declares a conflict of interest and abstains from the vote.
Discussion of actions by which the organization or individual may be advantaged	Member refrains from the discussion.
Actions which may impact the organization's/individual's eligibility to apply or receive benefits	Member refrains from discussion and voting.
Decisions related to funding, prioritization, or other direct impact	Member must be absent from the meeting space during discussion and voting. ● For virtual meetings, the member can leave the virtual forum by exiting the session. For meetings in-person, the Member must leave the meeting room and may not listen or otherwise observe the session through other means, such as audio or visual technology.

Record of Declarations and Recusal Proceedings

The minutes of meetings will include:

- The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.
- The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Administrative and Disciplinary Actions

Violations of the Conflict of Interest policies by officers, employees, and CoC representatives, will result in the following actions:

- Administrative actions:
  - Immediate full disclosure of interest and/or the potential profit for said award(s) or contract(s) in writing.
  - A review of said action or interest to the governing Board of Directors and notification to the local HUD field office representative(s).
- Remedies and Disciplinary Actions concerning conflicts of interest:
  - Require the officer, employee, or agent to remove him/herself from any discussions and/or voting relating to the award or contract.
  - Disciplinary action that may result in termination or removal from the office held or position of employment with the organization.
  - Cessation of services or termination of a contract or vendor agreement.
  - Referral for assessment of the legal ramifications associated with the violations, if warranted.
- Policy implementation and tracking includes: The declaration of a conflict of interest noted during a meeting will be referenced in the applicable meeting minutes.
- The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.
- The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.
- The Board will regularly monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.
- This policy is effective until further notice and will be included in the orientation packet during the on-boarding process, and available throughout the Member's term of service by contacting the CoC Board Secretary.

Conflict of Interest and Maintenance of Quorum

When compliance with the Conflict of Interest Policy would result in the committee not meeting a quorum of eligible voters, the Rule of Necessity may be invoked. However, the Rule of Necessity will not permit a conflicted person to participate in or influence any matter where federal law, HUD regulation, state law, or local law prohibits such participation, unless a legally valid exception has been made."

The Rule of Necessity cannot be invoked for mere convenience. Guidance for the use of the Rule of Necessity follows:

Rule of Necessity

The common law Rule of Necessity exits to avoid paralysis in decision-making. The Rule of Necessity (Rule) is a legal principle for circumstances when the disqualification of the eligible voters would render a decision-making body unable to take an action and when there are no 'substitutes' for making an essential decision. The Rule is used when the time to make a decision is restricted by time-limits external to the body and there is no other mechanism for rendering a decision (such as authorization of a subgroup of non-conflicted persons). In other words, in specific situations, this rule helps to fill a procedural gap, so that an item can be heard when a failure to take action would create greater harm. This rule is based on the idea that in certain situations, there may be no other option but to allow someone with a conflict of interest to participate in the decision-making process. The Rule of Necessity can be invoked in emergency situations where there is no one else available to make a decision and the decision cannot be delayed.

CoC Circumstances for Invoking the Rule of Necessity

For the CoC, the invocation of the rule must be based on necessity (i.e., the decision cannot be delayed to another time when a quorum can be convened **and** the failure to decide would clearly cause greater harm to the mandated responsibilities of the CoC (or Board). The case for necessity **must** be supported by **objective data,** and the process must be clearly documented.

For the CoC, the Rule can be used as a last resort, to mitigate situations, such as when:

- The CoC has a mandatory deadline such as a HUD submission due date that cannot be expended.
- There is no alternate body or subcommittee that can be authorized to make a decision.
- The harm of not taking action is concrete and immediate (not simply 'more convenient').
- The conflict is generalized or 'perceived' and does not involve a direct award or benefit to the member agency.
- The participation of the conflicted voter is minimized to the least possible involvement. (Example: the conflicted persons casts a vote to 'abstain'. The voter is 'present' and are counted for purposes of a quorum and the vote is counted as part of the overall number of votes but the person does not cast a vote that increases/decreases the votes for or against the motion.)
- The action is procedural, not a substantive funding/benefit decision. (Approval of minutes or a vote to table an item on the agenda for example.)

Procedural Check list

Before the Rule of Necessity can be invoked, the decision-making body must determine that:

1. There is no quorum after recusals are declared;
2. There is no alternate or substitute decision-maker;
3. There is no ability to delay;
4. There is no ability to restructure the agenda to accommodate a non-conflicted vote;
5. There is no ability to separate actions into conflicted/ non-conflicted items;
6. There is no opportunity to use independent reviewers;
7. Legal counsel concurs that rule could be applied;
8. There is no alternate remedy suggested by the funding agent. (See HUD or State guidance).
9. In California, if a quorum cannot be reached because too many voters must recuse themselves, guidance allows a voter to be chosen at random to participate. This occurrence must be rare.

Recording the Use of the Rule of Necessity

Invocation of the Rule of Necessity will be in the records tracking the incidents of Conflict of Interest and recusal.

The record **must**:

- Identify there was an actual and specific threat/harm that required immediate action.
- Demonstrate:
  - There was no realistic alternative to taking action at the point in time (i.e., could not be delayed).
  - The harm caused by invoking the Rule of Necessity is not greater than the harm avoided.
- Include the information required by the Conflict-of-Interest Recusal Policy Agenda item, persons involved, etc.).

Invoking the Rule of Necessity must be a rare occurrence.

If the CoC/Board/ Committee pattern of decision-making repeatedly invokes the Rule of Necessity, the pattern will be reviewed to determine if changes are needed in structures, protocols, or representation. Any invocation of the Rule for decisions involving funding, ranking, procurement, eligibility, appeals, monitoring, or direct benefit will cause an immediate post-action review by counsel or the Governance Committee. Three invocations by the same body (Membership, Board, Committee) in a calendar year shall require a formal review of quorum rules, committee structure, conflict-management procedures, and the annual schedule of predictable decision-making events.

Rule Of Necessity - Risks and Restraints

Situations when the Rule Of Necessity is invoked vary. Some decisions carry limited risk, others can carry a more substantial impact. The table below offers examples of areas decision-making and the risk associated with using the Rule to remedy the situation. The Rule of Necessity is least available where the conflict is most direct. When the Rule of Necessity conflicts with federal law, HUD regulation, the terms of a federal award, state law, or local law, the stricter requirement will control. Examples of the level of risk associated with the use of the Rule of Necessity are seen in the table below.

Type of Decision	**Level of Risk Associated with Use of the Rule.**
Consent Agenda	Low
General Policy affecting all providers equally	Low
Ratification of Prior Procedural Action Taken by Committee	Moderate
Emergency Procedure	Moderate
Establishing Decision-Making Calendar / Timeline	Low
Setting Ranting/ Ranking Criteria, Participating in Project	High –Risk , not permitted
Awarding, Allocating Funding	Extremely High Risk, not permitted
Procurement / Vendor Selection	Extremely High Risk, not permitted.