

San Bernardino County Continuum of Care (CoC) Operations and Governance Manual

Prepared by the Office of Homeless Services for the
Interagency Council on Homelessness

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This document summarizes the Responsibilities and Authorities for Operation and Governance of the San Bernardino County Continuum of Care (CoC) under the U.S. Department of Housing and Urban Development (HUD) Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH).

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HUD REQUIREMENTS for CoC OPERATION AND GOVERNANCE

The U.S. Department of Housing and Urban Development (HUD) charges communities that receive funds under the Homeless Continuum of Care Program of the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) with specific responsibilities. Section 578.3 of the HEARTH Interim Rule¹ published in July 2012 (Interim Rule), defines a Continuum of Care (CoC) as “the group organized to carry out the responsibilities required under this part [Part 578-Continuum of Care Program] and that is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate.”

The Interim Rule requires CoCs to establish a Board to act on behalf of the CoC. The CoC assigns the Board responsibilities through a written agreement called a Governance Charter that reflects the policies developed by the CoC. The CoC Board does not have any authority except as specified in the Governance Charter and Bylaws. Otherwise, authority and responsibility are retained by the CoC. This Operations and Governance Manual is adopted as the Governance Charter for CA609 - San Bernardino City and County CoC (also known as the San Bernardino County CoC or Homeless Partnership). This Governance Charter is established in consultation with the designated Collaborative Applicant, and the HMIS Lead Agency. This document outlines the establishment of the CoC and the roles and responsibilities assigned by the CoC to the Board. It also incorporates the By-Laws of the Board which provide additional insight into the duties of the Board and describe the standing committees, subcommittees, task groups, and liaisons structure of the CoC. The Code of Conduct for those conducting business on behalf of the CoC is also set forth herein.

The policies and provisions in this Operations and Governance Manual (i.e., Governance Charter) are subject to regular review of the CoC Board, which may establish a task group to accomplish this task with input from the Board.

RESPONSIBILITIES OF THE COC

Section 578.7 of the HEARTH Interim Rule (July 2012) identifies the Responsibilities of the CoC as described:

A. Operate the CoC

The CoC must:

- (1) Hold meetings of the full membership, with published agendas, at least semiannually;

¹ All statutory references are to 24 CFR Part 578 [HEARTH Interim Rule (July 2012)] unless otherwise stated.

- (2) Make an invitation for new members to join publicly available within the geographic at least annually;
- (3) Adopt and follow a written process to select a Council to act on behalf of the CoC. The process must be reviewed, updated, and approved by the CoC at least once every 5 years;
- (4) Appoint additional committees, subcommittees, or workgroups;
- (5) In consultation with the collaborative applicant and the Homeless Management Information System (HMIS) Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with subpart B of this part and with HMIS requirements as prescribed by HUD; and a code of conduct and recusal process for the Council, its chair(s), and any person acting on behalf of the Council;
- (6) Consult with recipients and sub-recipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;
- (7) Evaluate outcomes of projects funded under the Emergency Solutions Grants (ESG) program and the CoC program, and report to HUD;
- (8) In consultation with recipients of ESG program funds within the geographic area, establish and operate either a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The CoC must develop a specific policy to guide the operation of the centralized or coordinated assessment system on how its system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim service providers. This system must comply with any requirements established by HUD by Notice.
 - (i) Projects serving families with children shall not separate the family unit regardless of the children's ages. 24 CFR 578.93(e).
- (9) In consultation with recipients of ESG program funds within the geographic area, establish and consistently follow written standards for providing CoC assistance. At a minimum, these written standards must include:
 - (i) Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
 - (ii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
 - (iii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance;
 - (iv) Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance;

- (v) Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
- (vi) Where the CoC is designated a high-performing community, as described in Subpart G, policies and procedures set forth in 24 CFR 576.400(e)(vi), (e)(vii), (e)(viii), and (e)(ix).

B. Designating and Operating an HMIS

The CoC must:

- (1) Designate a single HMIS for the geographic area;
- (2) Designate an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS Lead;
- (3) Review, revise, and approve a (i) privacy plan, (ii) a security plan, and (iii) a data quality plan for the HMIS.
- (4) Ensure consistent participation of recipients and sub-recipients in the HMIS; and
- (5) Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

C. CoC Planning

The CoC must develop a plan that includes:

- (1) Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system encompasses the following:
 - (i) Outreach, engagement, and assessment;
 - (ii) Shelter, housing, and supportive services;
 - (iii) Prevention strategies.
- (2) Planning for and conducting, at least annually, a point-in-time count (PITC) of homeless persons within the geographic area that meets the following requirements:
 - (i) Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
 - (ii) Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
 - (iii) Other requirements established by HUD by Notice.
- (3) Conducting an annual gaps analysis of the homeless needs and services available within the geographic area;

- (4) Providing information required to complete the Consolidated Plan(s) within the CoC's geographic area;
- (5) Consulting with State and local government ESG program recipients within the CoC's geographic area on the plan for allocating ESG program funds and reporting on and evaluating the performance of ESG program recipients and sub-recipients.

SAN BERNARDINO COUNTY COC GOVERNANCE

A. SAN BERNARDINO COUNTY COC GEOGRAPHIC BOUNDARIES

In 2008, the County of San Bernardino assumed the responsibilities for the coverage of the HUD established CA609 - San Bernardino City and County CoC boundaries that include the geography within the County of San Bernardino, including 24 incorporated cities and all unincorporated areas. The physical bounds of this geography are consistent with the boundaries inclusive of these areas. These boundaries contain other HUD designated program components, including five (5) Housing Authorities, thirteen (13) HUD geocode areas, four (4) local Emergency Solutions Grant (ESG) Funded Areas, nine (9) communities eligible for State ESG funds, as well as federally designated Community Development Block Grant (CDBG) entitlement areas, HOPWA, HOME, and Veterans Administration service areas. The CoC primary area of operations within the CoC geography includes the areas served by the program components listed above. This is referred to collectively as the San Bernardino County CoC.

B. ESTABLISHMENT OF THE COC

Per Interim Rule **578.5**, representatives from relevant organizations within a geographic area must “establish a Continuum of Care for the geographic area to carry out the duties of this part. Relevant organizations include nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve veterans, and homeless and formerly homeless individuals.”

The San Bernardino County CoC is known as the San Bernardino County Homeless Partnership (Partnership). The Partnership consists of three distinct bodies: The San Bernardino County Interagency Council on Homelessness (ICH), the Homeless Provider Network (HPN) and the Office of Homeless Services (OHS). The Partnership was developed to promote a strong collaboration between agencies to direct planning, development, and implementation of the San Bernardino County 10-Year Strategy to End Homelessness. The Partnership provides leadership in creating a comprehensive countywide network of service delivery to homeless individuals and families, and those at-risk of becoming homeless.

The ICH is the CoC coordinating body which has also been acknowledged by HUD as the HUD-designated primary decision-making group and oversight Council for the San Bernardino County CoC. In addition, the ICH is the policy making body for the Partnership. ICH works to ensure that the recommendations listed in the Partnership’s 10-Year Strategy to End Homelessness are realized. ICH Membership is composed of elected officials, state and local representatives, community and faith-based organizations, and corporate advocates.

Goals of the ICH

As identified by the 10-Year Strategy to End Homelessness, the goals of the ICH include:

- Acting as a homeless planning and policy development resource for the Partnership;
- Monitoring and overseeing implementation of the homeless related services to ensure accountability and results;
- Recommending resource, policy and regulatory changes necessary to accomplish the recommendations of the Plan; and
- Reviewing and accepting ongoing changes to improve the delivery of homeless services to county residents.

The HPN provides a forum and environment where collaborative public and private nonprofit service providers and faith-based organizations can work together to improve the current delivery of available homeless related services. HPN seeks to fill the identified gaps in services to the homeless and those at-risk of becoming homeless through the use of innovative strategies and access to the wide range of expertise provided through its partners.

The OHS was created September 2007 by the San Bernardino County Board of Supervisors. OHS strives to develop a countywide public and private partnership that coordinates services directed towards reducing and preventing homelessness by providing comprehensive services and resources for homeless persons, and increasing permanent supportive housing opportunities for very low income and long-term homeless persons in order to end homelessness in San Bernardino County.

CoC Membership

The CoC works to ensure community-wide commitment to ending and preventing homelessness in all parts of the County through inclusion of representation from the entire CoC geographic area. In addition to the entities identified in Interim Rule section 578.5, CoC membership includes a variety of other community stakeholders to the extent that they are invested in resolving homelessness and present in the CoC geography. Examples of additional stakeholders include private foundations, philanthropists, fraternal organizations, employment development, organized labor, and private health service organizations.

For the San Bernardino County CoC, participation in the overall San Bernardino County Homeless Partnership is readily available. Interested organizations and individuals can join the Partnership by attending a regularly scheduled meeting, requesting to be added to the HPN membership roster, and committing to participate in the work of the CoC to achieve stated purposes and goals. The membership commitment can be fulfilled in various ways such as participation in subcommittee work, contributing to data collection and analysis, or fulfilling the role of liaison between the Partnership and other community groups. The HPN Members obtain and retain voting privileges through attendance and participation in accord with established policies. HPN Members also select five (5) representatives annually to participate as voting members of the ICH.

Identification of Lead Agents and the Applicant

When the County of San Bernardino assumed the responsibilities for the CoC, the OHS was created and designated as the administrative arm of the Partnership and the lead agency of the CoC under the advisement of the ICH. The OHS was appointed as the CoC Point of Contact for the submission of the San Bernardino County CoC funding application.

C. GOVERNANCE

Authority of the CoC

The ICH is ultimately responsible for all duties assigned in the CoC Program interim rule. Regulations do not require the ICH to be a legal entity, however, Part 578 requires that the compiling and submitting of the CoC application and operating the HMIS functions be completed by “eligible applicants,” meaning organizations that have been designated by the ICH to apply for assistance on behalf of the continuum. Eligible applicants are legal entities such as government or non-profit organizations that are registered in the federal CCR / SAM. All CoCs must designate eligible applicants to serve in the Collaborative Applicant and HMIS Lead functions. The ICH may also set up committees, subcommittees, or working groups to carry out its duties, however, the ICH always retains ultimate responsibility, including the final approval of the application which is submitted by a Collaborative Applicant and the operation of the HMIS which is managed by the HMIS Lead. The ICH has identified a central Point of Contact (POC) and an Alternate POC for official communications with HUD through the OHS.

Selection of Collaborative Applicant and HMIS Lead Agency

The ICH has designated the OHS as the eligible entity to complete the application, referred to as the Collaborative Applicant. The Collaborative Applicant is responsible for collecting and combining the required application information from all applicants and projects in the CoC and submitting this combined CoC application on behalf of the ICH. The Collaborative Applicant is the only applicant that is able to apply for planning funds to support the CoC in carrying out all of its responsibilities. The Collaborative Applicant provides these functions on behalf of the broader CoC. The ICH always retains ultimate responsibility, including the final approval of the application. The Collaborative Applicant for the CA-609 CoC also serves as the HMIS Lead Agency for San Bernardino County.

Establishment of an Interagency Council on Homelessness (ICH) as the CoC Board

Composition of the ICH

The CoC Program interim rule requires CoC Boards to include representatives from relevant organizations and projects serving homeless subpopulations, such as persons with substance use disorders; persons with HIV/AIDS; veterans; the chronically homeless; families with children; unaccompanied youth; the seriously mentally ill; and victims of domestic violence, dating violence, sexual assault, and stalking. (One Board

member may represent more than one subpopulation.) The Board must also include at least one homeless or formerly homeless individual.

Designation and selection of current Sub Committee members mirrors the general concept of a CoC Board. The Sub Committee constitutes a moderately small committee that provides expertise on the various homeless subpopulation and regions and provides a viable means for direct input from homeless and formerly homeless persons. A copy of the ICH Sub Committee Policies and Procedures is available under Appendix A.

After strategic planning conducted in 2019, the COC is moving to a Regional approach due to the immense size of the county of San Bernardino (22,000 square miles). Regional subcommittees will be formed to ensure regional representation on the ICH Board and to encourage collaboration among the stakeholders on a regional basis.

CoC Process for Selection of the Board

- The ICH serves as the Board of the CoC and includes nineteen (19) seats. Members of the ICH must be able to represent an array of community sectors, special needs populations, and geographic areas throughout the region.
- ICH Member selection is pre-designated by terms established in the Bylaws and as recommended by the San Bernardino County Homeless Partnership 10-Year Strategy to End Homelessness.
- ICH Composition is reviewed regularly through the ICH Bylaws and Membership Sub Committee.
- Members of the ICH serve as liaisons to other community stakeholders and their Regional Subcommittees.
- Results of nominations are reviewed by the ICH Bylaws and Membership Sub Committee to ensure that adequate representation is available for each of the required constituencies (community sectors, subpopulations, geography).
- ICH Members serve an unlimited term unless the relationship is terminated pursuant to the terms of Article IV of the Bylaws.
- Regular attendance at ICH meetings and participation in CoC activities is required. Members failing to meet the attendance and participation standard are subject to removal and replacement.
- The HPN serves as an advisory body of the ICH. The HPN is charged with facilitating a joint working approach through collaborations among the HPN members to implement action steps adopted in the 10-Year Strategy.
- ICH officers are elected to two-year terms. HPN officers are elected to two-year terms.

Governance Responsibilities Designated to CoC Board

The ICH is charged by the CoC with the following responsibilities:

- A) To ensure that the CoC is meeting all of the responsibilities assigned to it by HUD regulations:
 - Maintain accurate information about HUD and other funding source regulations
 - Inform the CoC of changes in policy, or community conditions that impact the effective operation of the CoC
 - Ensure Annual Performance reviews for funded projects
 - Ensure timely compliance with activities required to submit the annual application for CoC funds
 - Provide for annual review of the Housing Inventory Count including the Chart of Unmet Need, the Point In Time Summary Table and the AHAR
 - Working with the Data Governance Committee, maintain oversight of HMIS compliance with HUD regulations and timely completion of required HMIS activities and reports
 - Advise the CoC regarding the Annual Review of the Operations and Governance Manual
 - Recommend policy changes
 - Post all meeting agenda items and minutes to its website for public viewing
 - At the request of the CoC, perform tasks necessary for compliance with changes in HUD regulations
- B) To ensure that relevant organizations and projects serving homeless various subpopulations are represented in planning and decision-making (for use of HUD funds).
- C) Ensure viability of the regional CoC by identifying and securing administrative financing and support
 - Support the COC in acquiring resources to assist homeless persons in their movement from homelessness to economic stability and affordable permanent housing throughout the region;
- D) To facilitate responses to issues and concerns that affect the agencies funded by the CoC that is beyond those addressed in the annual CoC application process.
- E) To build community awareness inclusive of the needs of all homeless populations found in the region.

The ICH is empowered to take the following actions:

- Establish an annual calendar of ICH meetings;
- Schedule activities for achievement of assigned duties
- Review Performance Reports for the CoC as a whole and make recommendations and corrective actions in accordance with established policies
- Set Council Meeting times and Agendas as necessary to complete the responsibilities assigned
- Advise the full body on best practices, recommendations for systems enhancement
- Assume tasks and activities as necessary to act as liaisons to other community forums

D. CODE OF CONDUCT

The Members of the ICH are entrusted with specific responsibilities related to 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. ICH members and their alternates shall participate in an ethics training session every 2 years, but shall include, at a minimum, coverage of

federal and state conflict of interests, the Brown Act, the California Public Records Act, transparency in government, parliamentary procedure, and meeting management.

The ICH recognizes that each participating member representative, in most instances, is 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. In the event that any member's behavior in the conduct of ICH business is deemed by another ICH member or member of the CoC in good standing to be inappropriate or illegal, the case will be referred to the ICH Bylaws and Membership Committee for investigation and possible referral to the member's agency for any personnel or legal action that may be warranted.

In the performance of their duties, ICH Members are expected to carry out the mandate of the CoC to the best of their ability, and to maintain the highest standards of integrity for actions with other Members of the ICH, CoC Representatives, Service Recipients, Service Providers, and members of the public.

General Conduct

Members of the ICH are expected to conduct themselves with courtesy and respect, without harassment, or physical or verbal abuse.

Unprofessional behavior is prohibited by this policy, and 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. Such conduct is prohibited if it is directed at or relates to Members of the ICH, members of the CoC, and members of the public, whether or not they are present or observe the behavior.

Personal relationships should not result in special considerations, including bias or favoritism, that influence the performance of their official duties in a manner contrary to the interest of the broader CoC.

ICH Members are expected to exercise adequate control and supervision over matters for which they are individually responsible.

This code of conduct also prohibits retaliation against any person who makes a complaint about an ICH Member's professional behavior.

Stewardship of Resources

ICH Members must assure that the resources entrusted to them are used for conducting official business only.

Members of the ICH must abide by the Conflict of Interest Policies established for CoC operations.

Conflict of Interest Code

ICH Members, their designated alternates, committee members, OHS staff and other designated representatives, if any, shall comply with the ICH Conflict of Interest Code, as may be revised from time to time, and the disclosure and filing requirements set forth therein.

Protection of Confidential Information

In line with the rules and guidelines of the CoC, Members of the Partnership have a responsibility to protect the security of any confidential information provided to, or generated by, the activities of the CoC.

Public Statements and Media Response

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

Review of Charges of Violation 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 ICH Membership, permanent disqualification from holding future ICH 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 shall in no way preclude or replace any other action that may be warranted by the Code.

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

If found by a vote of two-thirds of the Bylaws and Membership Committee that the accused Council Member has violated this Code of Conduct, the Committee shall determine an appropriate sanction to be implemented. A Council Member subject to sanction, may within thirty (30) days of such sanction vote by the Bylaws and Membership Committee, appeal the decision to the full ICH for consideration. A record of the decision of the full ICH to sanction a Council Member for a violation of this Code of Conduct shall be placed in the permanent minutes of the ICH.

If requested by a majority, 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 the responsibilities of the ICH.

Board Leadership

Every two years, the ICH will select its officers, an ICH Chairperson and a Vice Chair to conduct meetings in the absence of the ICH Chairperson. The Vice Chair will officiate business in circumstances where the conduct of the Chair has been formally challenged or in instances when the Chair must recuse himself/herself or is absent.

Documentation of Board Action

The CoC Board must conduct/transact business in a fair and transparent manner. To this end, the ICH will promptly create a record of actions, consideration, and decisions to be made available to members of the public in accord with the Ralph M. Brown Act [CA Government Code, section 54950, et seq.] and the California Public Records Act [CA Government Code, section 6250, et seq.]. Meetings of the ICH are open to members of the public wishing to observe in accordance with the Brown Act. The public may address the ICH at its regular meetings concerning any matter within its purview during the time set aside for public comment. If a Visitor to an ICH meeting is verbally or physically disruptive to the proceedings, they may be asked to leave.

Ability to Conduct Business with Government Funds – Debarment or Suspension by Public Funding Sources

Members of the ICH must be eligible to transact business with federal and local government. At the time of nomination, potential Members of the Council must not be individuals or agencies that are barred from, or suspended from transacting business with federal, state, or local government.

Conflict of Interest and Recusal Policy Regarding Federal Funds

Although it is not established as a legal entity, the ICH membership will conduct decision-making in accordance with 24 CFR part 200 for non-profit organizations and state, local, and government agencies that receive federal funds. The Conflict of Interest Policy for the CoC Board must also meet the conditions as defined under 24 CFR §578.95(b). In summary, these conflict of interest considerations apply to:

- *Procurement:* For the procurement of property (goods, supplies, or equipment) and services, the recipient and its sub-recipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private nonprofit organizations).
- *Funding Decisions:* No ICH member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.

- *Organizational Conflict:* An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or sub-recipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance, or when a covered person's, as described in the next section, objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the ICH concerning the endorsement of or award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when and if an employee of a recipient or sub-recipient participates in making rent reasonableness determinations under §578.49(b)(2) and §578.51(g) and housing quality inspections of property under §578.75(b) that the recipient, sub-recipient, or related entity owns.
- *Other conflicts.* For all other transactions and activities, the following restrictions apply: No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its sub-recipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted under this part, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under this part, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.
- *Exceptions.* Upon the written request of the ICH or member of the CoC in good standing thereof, HUD may grant an exception to applicable federal requirements on a case-by-case basis, according to criteria and a process set forth further in federal regulations (see: 24 CFR § 578.95 Conflicts of interest).

Conflict of Interest – Contracts, Awards and Other Benefits to Recipient

No ICH Member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to that individual or the organization that the member represents.

An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or sub-recipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under Part 578, or when an individual's objectivity in performing work with respect to any activity assisted under Part 578 is or might be otherwise impaired.

Organizational conflicts arise when an ICH Member is who is specifically associated with an applicant organization participates in a decision concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee, recent employee, ICH Member, or family member affiliated with a recipient or sub-recipient organization participates in contract monitoring or rate setting tasks that directly impacts said organization. Examples of

ongoing conflicts of interest include the determination of rent reasonableness under § 578.49(b)(2) and § 578.51(g); housing quality inspections of property under § 578.75(b) that the recipient, sub-recipient, or related entity owns; participation in ongoing business ventures /partnerships, or participation in evaluation or determination of awards.

Conflicts of Interest – Financial Interest of Member

- 1) The solicitation and acceptance of gifts by an individual who is in a position to participate in a decision making process or gain inside information regarding the activities of the CoC (or by the organization(s) that he or she represents) that would provide a benefit in excess of the minimal value from persons, organizations, or corporations with a vested interest in the outcomes of decisions made by the ICH on behalf of the CoC or its member agencies is strictly prohibited.
- 2) ICH Members shall not participate in the selection, award, or evaluation of a contract supported by CoC funds if a real conflict of interest exists. A conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ, or employed during the prior 6 months, has a financial or other interest in the organization under consideration for an award, or evaluation.
- 3) ICH Members shall not solicit monetary value from CoC-funded recipients, sub-recipients, contractors, or vendors.
- 4) ICH Members will not accept gratuities from CoC-funded recipients, sub-recipients, contractors, or vendors except for unsolicited gifts of nominal value as provided in item 5 below.
- 5) It is determined that a conflict of interest does not exist when the value of the gift is an unsolicited item of nominal value (less than \$15) and such gifts are not repeated more than twice annually. The ICH Member must maintain a record of gifts received, including source, date, value, and type of gift.

Exception to Conflict of Interest Provisions for State Funding

California conflict of interest provisions will apply to all state funding in accordance with Government Code Section 1090 and state law. Specifically, pursuant to California Health and Safety Code Section 50219(h) “For purposes of Section 1090 of the Government Code, a representative of a county serving on a board, committee, or body with the primary purpose of administering funds or making funding recommendations for applications for state funding pursuant to the Homeless Housing, Assistance, and Prevention program shall have no financial interest in any contract, program, or project voted on by the board, committee, or body on the basis of receipt of compensation for holding public office or public employment as a representative of the county.”

Recusal Policy

ICH Members and persons acting on behalf of the Partnership must remove themselves from the decision-making or evaluation process when a personal or organizational conflict exists based on the conflict of interest guidelines enumerated herein or the guidelines of their own employing agency's Code of Conduct. ICH Members must recuse themselves during the decision-making or evaluation process, and may not participate in absentia through electronic or other means.

Obligation to Declare Potential Conflict of Interest

To avoid apparent conflicts of interest, ICH Members and Partnership members shall declare any real or potential conflicts of interest or the appearance of such conflicts. The person must disclose this information before participating in the discussion and decision-making or evaluation process, including appointment to any sub-committee having influence over such decisions. This policy applies to both personal and organizational conflicts. Members of the public participating in Partnership committees shall also be screened for potential conflicts.

E. Grievance Procedure

Members of the ICH, members of the CoC, and members of the public have the right to file a complaint or grievance if they believe a Member of the ICH has violated the above mentioned ICH Governance Charter Code of Conduct or Conflict of Interest Policy.

Informal Grievance Procedure

If a Member of the ICH, member of the CoC, or member of the public has a complaint or grievance regarding the conduct or conflict of interest of a Member of the ICH, the complaint or grievance should first be brought to the attention of the person against which they are filing the grievance as a verbal or informal grievance procedure. It is intended that discussion between the parties shall resolve the issue.

Formal Grievance Procedure

If a Member of the ICH, member of the CoC, or member of the public is not satisfied with the result of the informal grievance procedure, a formal grievance procedure, as outlined below, should be initiated:

1. Member of the ICH, member of the CoC, or member of the public completes grievance form (see Appendix B) and submits to the Bylaws and Membership Committee via the CoC Lead Agency (Office of Homeless Services).
2. The Bylaws and Membership Committee will review the grievance and investigate the claims. This process will include gathering all pertinent information and supporting documentation to substantiate or disprove the allegation.
3. A written response to the grievance will be sent to the Member of the ICH, member of the CoC, or member of the public involved within (20) days of official review by the Committee.

4. If either the Member of the ICH, member of the CoC, or member of the public involved is not satisfied with the result of the grievance review, they will be given the opportunity to file an appeal. The Bylaws and Membership Committee will provide a written response to the appeal within twenty (20) business days of official review by the Committee.
5. The decision of the Committee acting on behalf of the ICH will be final. If the grievance was initiated by or against the Bylaws and Membership Committee, the full ICH will make the final decision.

F. Amendments to This Document

This Governance Charter may be amended upon a majority vote of an established quorum of the Members of the ICH who are eligible to vote and are present at a meeting called for such purpose, provided that notice is provided seven (7) days prior to the meeting. The vote is conducted in accordance with the established Policies and Procedures of the full body. Absentee voting is not permitted.

BYLAWS BEHIND THIS COVER PAGE

BYLAWS OF THE INTERAGENCY COUNCIL ON HOMELESSNESS

San Bernardino County Homeless Partnership

Interagency Council on Homelessness

BY-LAWS

Adopted March 22, 2010

Amended August 15, 2018

Amended August 28, 2019

A Continuum of Care is a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. The mission of the San Bernardino County Homeless Partnership is to provide a system of care network that is inclusive, well planned, coordinated, evaluated and accessible to all who are homeless or at-risk of being homeless.

Article I

Purpose

The Interagency Council on Homelessness (“ICH”) is a vital component of the San Bernardino County Homeless Partnership (“Partnership”). The ICH serves as the policy making body of the Partnership and oversees the implementation of the 10-Year Strategy to End Homelessness in San Bernardino County (“10-Year Strategy”). The ICH will focus on resource development to ensure the funding of homeless projects and 10-Year Strategy recommendations. In addition, ICH serves as the HUD-designated primary decision-making group and oversight board of the City of San Bernardino & County (hereinafter referred to as the “geographic area”) Continuum of Care for the Homeless (CA-609) funding process, (hereinafter referred to as the “CoC”).

Article II

Vision

Provide leadership in creating a “comprehensive countywide network” of service delivery for the homeless population. Identify families and individuals at-risk of homelessness and circumstances leading to homelessness through facilitation of better communication, planning, coordination, and cooperation among all entities that provide services and/or resources for the relief of homelessness in the County of San Bernardino in a united effort to eliminate homelessness county-wide.

Article III

Duties

The ICH is charged with directing, coordinating and evaluating all of the activities related to implementation of the 10-Year Strategy to End Homelessness. The ICH members are directed to report progress on the implementation of the 10-Year Strategy to their colleagues and constituents following each meeting of the ICH. The ICH will promote collaborative partnerships among homeless providers and stakeholders throughout San Bernardino County on a regional basis in order to carry out implementation activities and will develop resources to ensure the funding of homeless projects and 10-Year Strategy recommendations.

As the oversight board of the CoC, the ICH duties are:

1. To ensure that the CoC is meeting all of the responsibilities assigned to it by the United States Department of Housing and Urban Development (HUD) regulations including:
 - a. The operation and oversight of the local CoC;
 - b. Designation and operation of a Homeless Management Information System (HMIS);
 - i. Designate a single HMIS for the geographic area;
 - ii. Designate an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS Lead;
 - iii. Ensure consistent participation of recipients and sub-recipients of CoC and Emergency Solutions Grant (ESG) funding in the HMIS.
 - iv. Ensure the HMIS is administered in compliance with all requirements prescribed by HUD.
 - c. The development of a CoC plan that includes outreach, engagement, assessment, annual gap analysis of the homeless needs and services available, prevention strategies, shelter and housing supportive services, and HUD CoC annual and biennial requirements;
2. To represent the relevant organizations and projects serving homeless subpopulations;
3. To support homeless persons in their movement from homelessness to economic stability and affordable permanent housing within a supportive community;
4. To be inclusive of all the needs of all of geographic area's homeless population, including the special service and housing needs of homeless sub-populations;
5. To facilitate responses to issues and concerns that affect the agencies funded by the CoC that is beyond those addressed in the annual CoC application process;
6. To consult with recipients and sub-recipients of CoC funding to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers; and
7. To evaluate outcomes of projects funded under the County of San Bernardino CoC program including the ESG.

Article IV **Membership**

A. ICH Membership Composition

The membership of the ICH shall be broadly based with representation from all sectors of the community, including but not limited to: homeless service providers, representatives of federal, state and local government, corporations, and concerned individuals. Due to the large size of San Bernardino County (22,000+ square miles) and to encourage collaboration among members, representation on ICH will be on a regional basis. The regions will be as follows:

West Valley Region: Encompasses the cities of Chino, Chino Hills, Montclair, Ontario, Rancho Cucamonga, Upland, and the surrounding unincorporated communities.

Central Valley Region: Encompasses the cities of Colton, Fontana, Grand Terrace, Highland, Loma Linda, Redlands, Rialto, San Bernardino, Yucaipa, and the surrounding unincorporated communities.

East Valley Region: Encompasses the cities of Needles, Twenty-nine Palms, Yucca Valley, and the surrounding unincorporated communities.

Desert Region: Encompasses the cities of Adelanto, Apple Valley, Barstow, Hesperia, Victorville, and the surrounding unincorporated communities.

Mountain Region: Encompasses the city of Big Bear and the unincorporated communities which include Blue Jay, Cedar Glen, Cedarpines Park, Crestline, Forest Falls, Green Valley Lake, Lake Arrowhead, Rim Forrest, Running Springs, Skyforest, Sugarloaf, and Twin Peaks.

A member whose service area covers more than one Region shall designate a Region as their primary service area. Members may participate in meetings and activities outside of their designated Region, but may only hold the office of Regional Representative in their designated Region

The ICH membership shall be composed of no more than 19 members.

1. Two (2) members from the San Bernardino County Board of Supervisors or designee;
2. City Representative (West Valley Region)
3. City Representative (Central Valley Region)
4. City Representative (East Valley Region)
5. City Representative (Desert Region)

6. City Representative (Mountain Region)
7. San Bernardino County Law & Justice Group
8. San Bernardino County Superintendent of Schools
9. Deputy Executive Officer, Community Development & Housing Agency
10. Assistant Executive Officer of Human Services
11. Director of the Department of Behavioral Health
12. Director of the Housing Authority of San Bernardino County
13. Homeless Provider Network (West Valley Region)
14. Homeless Provider Network (Central Valley Region)
15. Homeless Provider Network (East Valley Region)
16. Homeless Provider Network (Desert Region)
17. Homeless Provider Network (Mountain Region)
18. Homeless or Formerly Homeless Individual

City Representatives will be selected by the City Selection Committee of San Bernardino County (Government Code 50270 et. Seq.). Should a city seat not be filled within thirty (30) days of a vacancy, the seat will default to an at-large position from the same region, with said appointment being made by the ICH members. City representatives are not required to be council members but must be at the level of a department director or higher.

The HPN Chair will automatically serve as the delegate member from his/her region.

Should a HPN regional seat not be filled within thirty (30) days of a vacancy, the seat will default to an at-large position from the same region, with said appointment being made by the ICH members.

Regional representatives will also participate in their respective regional subcommittee.

B. Membership Application and Approval Process

Solicitation for ICH membership applications for unfilled positions shall begin no less than eight weeks after the vacancy of an individual ICH member. The Office of Homeless Services (OHS) on behalf of the ICH shall circulate a “Call for Applications” to the appropriate organization or parties. The “Call for Applications” will set forth the criteria for appointment to the ICH, and will set the deadline for the receipt of said applications. Applications must be accompanied by a Letter of Recommendation from the sponsoring ICH Member agency or organization or an individual Member of the ICH.

Directors listed in Article IV, section A, and elected officials, which have been designated to sit on the ICH by a local government agency listed in Article IV, section A, shall become a member of the ICH by reason of their position without application. Designees, recommended in lieu of the above listed individuals, must comply with the application process.

The ICH will establish an ad-hoc Application Review Committee as needed to review applications and develop a screening process. The Application Review Committee will recommend candidates for appointment to the ICH after reviewing the applications. The OHS shall prepare a synopsis of the recommended applicant's qualifications for the ICH. OHS shall forward the recommendations and synopses to the ICH no later than two (2) weeks prior to the next regularly scheduled meeting at which the approval of new members will occur.

C. Membership Terms of Service

Once appointed to the ICH, Members shall serve an unlimited term unless the relationship is terminated pursuant to the terms of Article IV of these Bylaws.²

D. Membership Responsibilities

All Members are expected to attend meetings. Member absences will be noted in the minutes. Other responsibilities may include:

1. Providing oral and/or written comment on issues being discussed by the ICH;
2. Assisting in the development and implementation of task forces, subcommittees and/or committees necessary to conduct the business of the ICH;
3. Supporting and participating in training, summits, and activities sponsored by the ICH;
4. Active participation in the annual Point-in-Time Count;
5. Reviewing and commenting on documents, such as those concerning the Continuum of Care Homeless Assistance Grant funding; and
6. Providing regular reports and updates regarding ICH activities and progress back to member agencies (i.e., inclusion of ICH agenda and minutes in the agency's official public records).

E. Membership Voting

1. A Member representing more than one Agency or Office shall receive only one vote.
2. A Member shall designate one representative to vote on behalf of the Member and may establish one alternate to vote in the absence of the designated representative.

F. Membership Vacancies

1. ICH membership ends when:
 - a. A Member resigns or is unable to serve for justified reasons; or

At least ninety (90) days notice shall be given unless otherwise mutually agreed.

- b. A Member is deemed inactive by the ICH upon the relevant facts that have been presented;
or
 - c. A Member is replaced by the sponsoring agency or organization; or
 - d. A Member is terminated by a majority of the ICH for just cause:
 - i. Charged with a crime that would subject the Member to debarment, suspension, disqualification or other exclusion from participating in a federally funded transaction pursuant to federal law.
 - ii. Unprofessional behavior.
 - iii. Violation of these bylaws.
 - iv. Conduct prejudicial to the best interests of the ICH;
 - v. Lack of participation in three (3) consecutive ICH meetings without prior ICH approval.
 - vi. Just cause as defined by the majority of the ICH.
2. Termination of an individual's membership does not terminate the sponsoring agency or organization's representation of the ICH.
3. If a Member representative who has been duly notified of ICH meetings misses three meetings within a one-year period, the Chair shall formally and in writing contact the Member requesting a written response of the ability of the Member's representative to continue participation in the ICH. If a written response acceptable to the Chair is not received within 30 calendar days, then the Chair may ask that a new representative be designated.

Article V

Officers

The ICH shall elect from among its Members a Chair and Vice Chair. Each officer shall serve for a term of two (2) years commencing October 1 and ending September 30 of the second year.

A. Selection of Officers

Officers shall be nominated by the membership and elected to office by a majority vote of the Members present at a meeting in which a quorum has been established.

B. Duties of Officers

- 1. The duties of the Chair shall include:
 - a. Provide oversight, direction and leadership to the ICH.
 - b. Conduct and facilitate ICH Meetings.
 - c. Coordinate agenda setting with the Office of Homeless Services (OHS).
 - d. Appoint Committee Chairs.

2. The duties of the Vice Chair shall include:
 - a. Perform all of the Chair's duties in the absence of the Chair, unless the Bylaws of the ICH provide otherwise.
 - b. Perform other duties as requested.

Note: In the absence of the Chair and the Vice-Chair a staff member of the Office of Homeless Services shall chair the meeting(s).

Article VI **Vacancies of Officers**

Should the office of Chair become vacant prior to the end of the present term, the Vice-Chair shall complete the term of office. The position of the Vice-Chair shall be filled by a special vote at the next regular ICH meeting.

Article VII **Meetings**

A. Regular Meetings

Regular meetings of the ICH shall be held at least bi-monthly at a time and date determined by the Members, or as modified by a majority vote of the Members at any regular meeting where a quorum has been established.

B. Special Meetings

A special meeting may be called at any time by the Chair, or at the request of the majority of the Members, by delivering personally or by mail or electronically written notice of the date and purpose of the meeting to each Member 48 hours before the time specified in the notice.

C. Governing Rules

Meetings shall be conducted in accordance with the provisions of the Brown Act (Government Code, section 54950, et seq.) and under Robert's Rules of Order. Each member will be provided with a copy of Roberts Rules of Order at installation.

Article VIII **Quorum**

One half of the Members in good standing, plus one, shall constitute a quorum for the transaction of business. The affirmative votes of at least a majority of the Members constituting a quorum at a duly scheduled meeting shall be required to take any action.

A member in good standing is a Member of the ICH who has met membership and attendance requirements.

Article IX
Agenda

The agenda for the regular meetings shall be prepared in consultation with the ICH Chair and distributed by OHS to each Member at least seven (7) calendar days prior to the meeting. The agenda should be accompanied by agenda support materials and shall be posted per the Brown Act requirements.

Article X
Agenda Deadline

All matters to be considered for the agenda must be submitted to the OHS at least fourteen (14) calendar days prior to the meeting.

Article XI
Minutes

Minutes shall be taken and distributed by the Office of Homeless Services, or designee. The Chair, and/or the Office of Homeless Services shall review and preliminarily approve the minutes prior to distribution. Minutes shall normally go out with the agenda for approval at the next meeting.

Article XII
Amendments

These bylaws may be amended by a two-thirds vote of the Members present at a meeting in which a quorum has been established in compliance with Robert's Rules of Order.

CERTIFICATE OF OHS

I certify that the above bylaws, consisting of eight (8) pages, including this page, are the bylaws of this body as amended by the Members.

Date: 8/28/19

By: Thomas Hernandez
Tom Hernandez - Office of Homeless Services

APPENDIX A

APPENDIX B

Grievance Form

Instructions:

If you have a complaint/grievance that you would like to file regarding the violation of the ICH Governance Charter Code of Conduct or Conflict of Interest please complete the following form. The complaint/grievance will be investigated and a response will be provided within 20 business days of Bylaws and Membership Committee’s final decision.

| | | | |
|---|--|--------------------------|--|
| Name of Person Making Complaint: | | Date of event(s): | |
|---|--|--------------------------|--|

| |
|--|
| <p>Statement of Complaint – Please provide details of the situation and complaint including any of the specific dates of appointment, conversations or actions involved by the Member of the Interagency Council on Homelessness (ICH). (If more space is needed, continue to the back of the form or attach another document.)</p> |
| |

| |
|--|
| <p>May we contact you for further information? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> |
|--|

| | |
|--|--|
| If yes, please provide contact information: | |
| a. Primary Phone Number (if available) | |
| b. Email Address (if available) | |
| c. Address (if available) | |
| d. Secondary Phone Number | |

| |
|---|
| <p>What is the best method to contact you? <input type="checkbox"/> Phone Call <input type="checkbox"/> Text <input type="checkbox"/> Email</p> |
|---|

| | | | |
|--|--|--------------|--|
| Signature of Person Making Complaint: | | Date: | |
|--|--|--------------|--|

This form can be submitted to Amy Edwards, Office of Homeless Services Secretary

- a. Email to: homelessrfp@hss.sbcounty.gov
- b. Fax to: (909) 501-0622
- c. Mail to: Office of Homeless Services, 215 North D Street, Suite 301, San Bernardino, CA 92415-0044

