

**Bakersfield/Kern County CA-604 CoC**  
**GOVERNANCE CHARTER**  
**RECITALS (578.5B)**

This Governance Charter summarizes the responsibilities and authorities for operation and governance of the Bakersfield/Kern Continuum of Care (CoC). The Charter serves as the Bylaws and Governance for the CoC.

**NAME:** The name of this CoC will be: Bakersfield/Kern County Continuum of Care (herein referred to as CoC).

**ADDRESS:** The CoC is located in the County of Kern within the state of California. The CoC office of record and point of contact, identified as the Collaborative Applicant and Fiscal Agent:

Executive Director  
Bakersfield-Kern Regional Homeless Collaborative  
Bakersfield, CA 93301

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## ARTICLE I. GLOSSARY OF TERMS (578.3 DEFINITIONS)

**Applicant** - an entity that has been designated by the CoC as eligible to apply for assistance on behalf of the CoC.

**At risk for homelessness** – with respect to an individual or family who:

- A. Has income below thirty percent (30%) of median income for the County of Kern;
- B. Has insufficient resources or support networks (family, friends, faith based or other social networks) immediately available to prevent them from moving to an emergency shelter or another place described in paragraph one (1) of the homeless definition (page 5);
- C. Meets one (1) of the following conditions:
  1. Has moved frequently because of economic reasons two (2) or more times during the sixty (60) days immediately preceding the application for homelessness prevention assistance;
  2. Is living in the home of another because of economic hardship;
  3. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within twenty (21) days of the date of application for assistance;
  4. Lives in a hotel or motel not paid by charitable organizations or by federal, state, or local government programs for low-income individuals;
  5. Lives in a single-room occupancy or efficiency apartment unit in which there resides more than two (2) persons, or lives in a larger housing unit in which there resides more than one and a half (1.5) people per room, as defined by the US Census Bureau;
  6. Is exiting a publicly funded institution, or system of care (such as a health care facility, a mental health facility, foster care or other youth facility, or correction program or institution);
  7. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness;
  8. A child or youth who does not qualify as 'homeless' but qualifies as 'homeless under Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C 5732a(3)), Section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), Section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), Section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)) or Section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.W.C. 1786(b)(15)); or
  9. A child or youth who does not qualify as 'homeless' under this Section, but qualifies as 'homeless' under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), and the parent(s) or guardian(s) of that child or youth if living with her/ him.

**Chronically homeless**–

- A. An individual who:
  1. Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and
  2. Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one (1) year or on at least four (4) separate occasions in the last three (3) years; and
  3. Can be diagnosed with one (1) or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in Section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;
- B. An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than ninety (90) days and met all of the criteria in paragraph one (1) of this definition, before entering that facility; or
- C. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph one (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

**Collaborative Applicant and fiscal agent** – the organization designated by CoC to apply for a grant or collaborative projects on behalf of the Collaborative. The Collaborative Applicant may apply for a US Department of Housing and Urban Development (herein referred to as HUD) Planning Grant to carry out the planning activities of the CoC. As the fiscal agent, the Collaborative Applicant maintains a functioning accounting system for the organization in accordance with generally accepted accounting principles. [NOTE: CoCs are not required to be legal entities, and HUD can enter into contractual agreements with legal entities only, deriving at the need for a ‘Collaborative Applicant’.]

**Community Partners** –Community Partners are individuals or organizations with an interest in, and commitment to, the work of the CoC who do not pay dues to the CoC and do not have voting rights or other privileges reserved for Voting Members.

**Consolidated plan** – the HUD approved plan developed in accordance with 24 CFR 91. In Kern County consolidated plans are required by HUD for the City of Bakersfield, City of Delano, and County of Kern, not for the CoC.

**Continuum of Care and Continuum** - the group organized to carry out the responsibilities required under The HEARTH Act, 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. These organizations consist of the relevant parties or ‘stakeholders’ in Kern County. The Continuum of Care (CoC) serves as the coordinating body for homeless services and homelessness prevention activities across the County.

**Coordinated Entry and Assessment** – a coordinated process designed to synchronize program participant intake, assessment, and provision of referrals, covering Kern County. The system is required by HUD to be easily accessible by individuals and families seeking housing or services, well-advertised, and to include a comprehensive and standardized assessment tool.

**Developmental disability** –as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002) as a severe, chronic disability of an individual that:

- A. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- B. Is manifested before the individual attains age twenty-two (22);
- C. Is likely to continue indefinitely;
- D. Results in substantial functional limitations in three (3) or more of the following areas of major life activity:
  1. Self-care;
  2. Receptive and expressive language;
  3. Learning;
  4. Mobility;
  5. Self-direction;
  6. Capacity for independent living; and
  7. Economic self-sufficiency.
- E. Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. (An individual from birth to age nine (9), inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three (3) or more of the criteria described in paragraphs (A) one (1) through five (5) of the definition of “developmental disability” in this section if the individual, without services and supports, has a high probability of meeting these criteria later in life.

**Eligible applicant** – a private nonprofit organization, state government, local government, or instrumentality of state and local government.

**Emergency shelter** –any facility that provides a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements. Any shelter project funded under Emergency Solutions Grants. (24 CFR part 576).

**Emergency Solutions Grants (ESG)** –provides funding for agencies to provide homeless persons with basic shelter and essential supportive services. Eligible activities include funding operational costs of the shelter facility, grant administration, street outreach, and short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs (24 CFR part 576).

**Fiscal agent** – See Collaborative applicant.

**Homeless–**

- A. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  1. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  2. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
  3. An individual who is exiting an institution where he or she resided for ninety (90) days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- B. An individual or family who will imminently lose their primary nighttime residence, provided that:
  1. The primary nighttime residence will be lost within fourteen (14) days of the date of application for homeless assistance;
  2. No subsequent residence has been identified; and
  3. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.
- C. Unaccompanied youth under twenty-five (25) years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  1. Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), Section 637 of the Head Start Act (42 U.S.C. 9832), Section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), Section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
  2. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the sixty (60) days immediately preceding the date of application for homeless assistance;
  3. Have experienced persistent instability as measured by two (2) moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  4. Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two (2) or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

- D. Any individual or family who:
1. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  2. Has no other residence; and
  3. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

**Homeless Management Information System (HMIS)** - an information system designated by the KCHC to comply with the HMIS requirements as prescribed by HUD. HMIS's are computerized data collection tools designed to capture client-level information on the characteristics and service needs of men, women, and children experiencing homelessness.

**HMIS Lead** – the entity designated by the CoC in accordance with The HEARTH Act to operate the CoC's HMIS on its behalf.

**Non-Funded Voting Members** - individuals or organizations who are not HUD Continuum of Care funded. Non-Funded Voting Members have voting rights at Membership, Committee and/or Board meetings, are eligible to seek election to the Governing Board, and pay membership dues annually. Dues for Non-Funded Voting Members shall be 50 percent of the dues for Voting Members. Annual fee waivers/reductions are available to homeless or formerly homeless individual Voting Members or to others at the discretion of the Governing Board (See page 12, Section 6.02). Unless specifically otherwise stated, references to Voting Members in this Charter also include Non-Funded Voting Members.

**Tiered Fee Structure:** Based on last financial audit statement or fiscal year financials/reports

Revenue	Dues
Less than \$50,000	\$50
\$50,000 - \$500,000	\$150
\$500,000 – and up	\$250

**Permanent housing** - community-based housing without a designated length of stay, including both permanent supportive housing and rapid re-housing. The program participant must be the tenant on a lease for a term of at least one (1) year that is renewable and is terminable only for cause. The lease must be renewable for terms that are a minimum of one (1) month long. HUD has determined that requiring a lease for a term of at least one (1) year that is renewable and terminable only for cause, assists program participants in obtaining stability in housing, even when the rental assistance is temporary.

**Permanent supportive housing (PSH)**—permanent housing in which supportive services are provided to assist homeless persons with a disability to live independently.

**Point in Time Count**—a “snapshot” count of sheltered and unsheltered homeless persons carried out on one (1) night in the last ten (10) calendar days of January or at such other time as required by HUD. (Known as the “PIT” Count, formerly known as the Homelessness Census Count).

**Private nonprofit organization** - based on the statutory definition for “private nonprofit organization” meaning the organization has:

- A. No part of the net earnings benefitting any member, founder, contributor, or individual;
- B. A voluntary Board;
- C. An accounting system, or a designated fiscal agent in accordance with requirements established by HUD Secretary of Community Planning and Development; and

D. Practices which are nondiscriminatory in the provision of assistance. The organization’s accounting system must be functioning and operated in accordance with generally accepted accounting principles.

**Program participant** – an individual or family who is assisted with CoC program funds.

**Project** - eligible activities identified in an application to HUD for CoC funds that may include a structure, or structures, that are acquired, rehabilitated, constructed, or leased with assistance provided under The HEARTH Act or to which HUD (or other possible KCHC funders) provides rental assistance or annual payments for operating costs or supportive services.

**Rapid Re-housing (RRH)** - Rapid Re-Housing Programs help those who are experiencing homelessness to be quickly re-housed and stabilized. Through homeless prevention efforts, funds target individuals and families who would be homeless but for this assistance which includes: short-term or medium-term rental assistance and housing relocation and stabilization services, including such activities as mediation, credit counseling, security or utility deposits, utility payments, moving cost assistance, and case management.

**Recipient** - an applicant who signs a grant agreement.

**Safe haven** – for the purpose of defining chronically homeless, a safe haven is supportive housing that meets the following:

- A. Serves hard to reach homeless persons with severe mental illness who came from the streets and have been unwilling or unable to participate in supportive services;
- B. Provides 24-hour residence for eligible persons for an unspecified period;
- C. Has an overnight capacity limited to twenty-five (25) or fewer persons; and
- D. Provides low-demand services and referrals for the residents.

**Stakeholders** –see Section 6.01.

**Sub recipient** - a private nonprofit organization, state or local government, or instrumentality of a state or local government that receives a sub grant from the recipient to operate a project.

**Transitional housing (TH)** – housing that facilitates the movement of individuals and families experiencing homelessness to permanent housing within twenty-four (24) months or such longer period as HUD determines necessary. To be transitional housing, program participants must have signed a lease or occupancy agreement that is for a term of at least one (1) month and that ends in twenty-four (24) months and cannot be extended.

**Victim service provider** – a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault or stalking. This term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs and other programs.

**Voting Members** - individuals or organization representatives who have voting rights at Membership, Committee and/or Board meetings and are eligible to seek election to the Governing Board. Voting Members pay membership dues annually and submit dues along with a membership packet. Membership dues are payable upon joining, and may be pro-rated to the next September. Annual fee waivers are available to homeless or formerly homeless individual Voting Members or to others at the discretion of the Governing Board (See page 12, Section 6.02). Non-Funded Voting Members (see definition on previous page) are a sub-set of Voting Members. Unless specifically otherwise stated, references to Voting Members in this Charter also include Non-Funded Voting Members.

## **ARTICLE II. BAKERSFIELD / KERN CoC GEOGRAPHIC BOUNDARIES (578.5B)**

### **2.01 BOUNDARIES**

The Bakersfield/Kern CA-604 Continuum of Care, herein referred to as CoC, includes all of the geography within Kern County including incorporated cities and unincorporated areas.

## **ARTICLE III. ESTABLISHMENT OF THE CoC (578.5A)**

### **3.01 OVERVIEW**

HUD charges communities that receive funds under the Homeless Emergency Assistance and Rapid Transition to Housing Act (The HEARTH Act) with specific responsibilities. The CoC is organized to carry out the responsibilities required under this Act, and is composed of representatives of organizations, including **nonprofit homeless service providers, victim service providers, faith based organizations, governments, business, 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 County of Kern and are available to participate.

, a 501(c)(3) non-profit organization.

#### **ARTICLE IV. MISSION AND PURPOSE (578.1A, 578.1B)**

##### **4.01 MISSION**

The mission of the CoC is “to end homelessness in Kern County through collaborative planning and action.” [CoC will use the HUD definition of “homelessness” as established in 24 CFR 576.500(b). Subpart A 578. See glossary of terms.]

##### **4.02 PURPOSE (578.1)**

Under the HUD Continuum of Care Program, the CoC works to achieve common purposes, including, but not limited to:

- A. Promoting community-wide commitment to the goal of ending homelessness through a strategic plan to end homelessness in Kern County that includes:
  1. Compliance with HUD Continuum of Care Program requirements of The HEARTH Act including written standards to coordinate delivery (578.7A9) and periodic evaluation;
  2. The goals of “Opening Doors: Federal Strategic Plan to Prevent and End Homelessness;”
  3. Providing a seamless system of care for transition from the street to permanent housing;
  4. Providing opportunities for county-wide and inter-agency collaboration;
  5. Actively recruiting new and diverse Voting Members and Community Partners;
  6. Working to achieve goals established in funding and project focus applications.
  7. Evaluating the collective performance of the HUD Continuum of Care Program and application projects.
- B. Educating Voting Members, Partners, elected officials, local planners and the community at large about actions, policies and legislation impacting homelessness to advocate and bring awareness to:
  1. The mission to end homelessness in Kern County;
  2. Coordinated Entry and Assessment and mainstream programs for individuals and families, including resources, services and outreach activities;
- C. Focusing efforts to quickly re-house homeless individuals and families to minimize the trauma and dislocation caused to homeless individuals, families, and communities by:
  1. Utilizing a Coordinated Entry and Assessment process for prompt access and prioritization and comprehensive assessment of services for people who are homeless or at risk for homelessness;
  2. Preventing the separation of families in HUD funded projects; and
  3. Working with ESG coordinators to streamline processes for housing.
- D. Promoting access to and effective utilization of mainstream programs by homeless individuals and families by:
  1. Ensuring access for persons who are homeless or at risk for homelessness, to quality services and facilities;
  2. Advocating for policies and essential services that promote fair housing, client well-being, and rights and protections under the law;
- E. Optimizing self-sufficiency among individuals and families experiencing homelessness by:
  1. Providing a seamless system of care for transition from the street to permanent housing;
  2. Implementing strategic responses to increase household income, increase financial literacy and life skills by:



- a) Increasing mainstream benefits (health care, food stamps, etc.)
- b) Providing access to work experience, education and training opportunities whenever feasible; and
- c) Connecting households with children to foundational education and McKinney Vento administrators to ensure children stay in school and complete their education.

**ARTICLE V. RESPONSIBILITIES OF THE CoC (578.7)**

**5.01 OPERATING THE CoC**

The KCHC will:

- A. Hold meetings of the full membership twice each year, in the spring and fall;
- B. Make a public invitation for new Members to join at least once each year, but as often as possible;
- C. Follow ‘*Board Members Selection Process*’ outlined in Section 7.05 to select a Governing Board to act on behalf of the CoC. The process will be reviewed and updated at least once every five (5) years;
- D. Follow the process outlined in Section 10.01 to engage key government representatives to end homelessness in Kern County;
- E. Appoint Committees, ad hoc Committees and workgroups;
- F. In consultation with the Collaborative Applicant and the HMIS Lead, develop, and follow this Governance Charter including all procedures and policies defined in The HEARTH Act;
- G. Consult with recipients and sub-recipients to establish performance targets appropriate for populations and program types; monitor recipients’ and sub-recipients’ performance; evaluate outcomes to ensure adequate performance, report to HUD as required, and take action to improve poor performance;
- H. Establish and operate a Coordinated Entry and Assessment process, which will provide an initial comprehensive assessment of the needs of individuals and families for housing and services. This system is operated in consultation with recipients of ESG Program funds within the county, and must comply with any requirements established by HUD. Coordinated Entry and Assessment 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;
- I. Promote and support the recordkeeping requirements of The HEARTH Act, especially for HUD Continuum of Care funded agencies;
- J. Establish and consistently follow written standards for providing CoC assistance. At minimum these written standards must include policies and procedures for:
  - 1. Evaluating individuals’ and families’ eligibility;
  - 2. Determining and prioritizing which eligible individuals and families will receive assistance for:
    - a. Transitional housing (TH);
    - b. Rapid re-housing (RRH) and what percentage or amount of rent each participant must pay while receiving RRH; and
    - c. Permanent Supportive Housing (PSH).
- K. Ensure that the CoC members, officers, committee members, and contractors of the Continuum will be selected entirely on a nondiscriminatory basis with respect to any federal, state, or locally protected class. Members shall comply with the provisions of all Federal, State, and local laws prohibiting discrimination in housing and provision of services on the grounds of race, color, religion, national origin, sex, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, familial status, age, or disability, including Title VI and VII of the Civil Rights Act of 1964, as amended; Title VII of the Civil Rights Act of 1968, as amended; Fair Housing Act (42 U.S.C. §§ 3601-3620); and California Government Code §12920 (which includes veteran status).

All CoC members certify by virtue of their membership that they prohibit discrimination on the basis of (i) marital status, race, color, sexual orientation, gender identity, religion, or national origin, or (ii) sex or age, except when sex or age constitute a bona fide occupational qualification, or (iii) the physical or mental disability of a qualified disabled individual.

All Community Planning and Development (CPD) funded programs will comply with the U.S. Department of Housing and Urban Development (HUD) final rule regarding equal access.

L. Ensure equal access to housing in accordance with HUD regulations.

The CoC non-discrimination policy, regarding the U.S. Department of Housing and Urban Development (HUD) final rule regarding equal access to Community Planning and Development (CPD) will ensure that individuals are aware of their rights to equal access to CPD funded programs.

In accordance with the guidance provided by HUD in 24 CFR 5 in the Federal Register, vol. 81, No. 183, all CPD funded programs will:

- Determine eligibility for housing regardless of sexual orientation, gender identity, or marital status, and must not discriminate against individuals who do not conform to gender or sex stereotypes (i.e., because of gender identity);
- Grant equal access to CPD programs or facilities consistent with gender identity, and provide families with equal access;
- NOT ask about anatomical information or documentary physical, or medical evidence of gender identity; and
- Take non-discriminatory steps when necessary and appropriate to address privacy concerns raised by any residents or occupants.
- Document and maintain, for a period of 5 years, records of compliance with the requirements of this rule regarding establishing or amending policies and procedures.

Notice sample can be found at: <https://www.hudexchange.info/resources/documents/Notice-on-Equal-Access-Rights.pdf>

#### **5.02 OPERATING HMIS (578.7b)**

- A. The HMIS administering agency (aka “HMIS Lead”) is a Voting Member of the CoC and manages HMIS operations on behalf of the CoC. Kern Behavioral Health and Recovery Services (herein known as KBHRS) is designated by the CoC as the HMIS Lead.
- B. Policies for compliance will be developed – including plans for privacy, security and data – (578.7b3) and reviewed at least two (2) times each year by the HMIS/Data Quality Committee in consultation with the CoC Planning and Performance Committee and the Housing Committee, and any data policy changes will be presented to the Governing Board for approval. (578.7c2).
- C. The HMIS Lead will:
1. Lead HMIS trainings;
  2. Chair the HMIS Committee;
  3. Oversee data collection, entry and analysis, ensure compliance with HUD (and other funders’) requirements, and monitor quality;
  4. Operate the HMIS system;
  5. Assist Voting Members of the CoC with data and technical support;
  6. Ensure timely production of data reports including: The Housing Inventory Chart (HIC) and Point in Time (PIT) Count, Annual Homeless Assessment Report (AHAR), performance reports (APRs);
  7. Ensure development and execution of Memorandums of Understandings (MOUs) between all Voting Members, and file each MOU with the Collaborative Applicant;
  8. Maintain data security systems;
  9. Develop and recommend data quality standards for approval by the Governing Board; and
  10. Ensure consistent participation of recipients and sub-recipients in the HMIS.

#### **5.03. FISCAL AGENT / COLLABORATIVE APPLICANT RESPONSIBILITIES**

The Fiscal Agent is herein referred to as “Collaborative Applicant”. Bakersfield-Kern Regional Homeless Collaborative, Inc. (BKRHC) is the Collaborative Applicant, the legal entity responsible for collecting and combining the required HUD Continuum of Care Program application information and projects from all applicants, and submitting this combined HUD application on behalf of the CoC.

BKRHC also serves as the fiscal sponsor of the CoC. BKRHC collects membership dues, accepts donations or grant awards on behalf of the CoC, and disburses CoC funds. BKRHC is not a Unified Funding Authority.

Other responsibilities of the Collaborative Applicant include:

- A. Provide administrative support to the Governing Board, officers and Committees, and attend meetings as feasible;
- B. Submit applications on behalf of the CoC for shared funding or focused campaigns.;
- C. Maintain CoC records, including evidence that:
  1. The Governing Board meets requirements of 578.5B and;
  2. CoC operates in compliance with applicable law, including provisions regarding published agendas and meeting minutes, an approved Governance Charter, Committees, and a designated single HMIS.
- D. Facilitate the monitoring reports of recipients and sub recipients;
- E. Research feasibility of funding opportunities;
- F. Serve as fiscal agent for financial administration;
- G. Report progress to full CoC membership and Governing Board;
- H. Expand and maintain CoC membership through proactive engagement of key stakeholders; outreach to and coordination with community groups;
- I. Conduct new member orientation;
- J. Create outreach materials including but not limited to interactive website, social media campaigns and community education efforts;
- K. Serve as the CoC point of contact for the community in coordination with the Board Chair;
- L. Implement initiatives approved by the Governing Board to enhance CoC performance;
- M. Monitor best practices, and make recommendations to Committees and the Governing Board;
- N. Disseminate information for the Governing Board and all Committees including: schedules, agendas, minutes, attendance, HUD advisories, funding opportunities, webinars, membership, and special events; (578 Subpart B);
- O. Provide monthly activity reports and quarterly financial reports; and
- P. Contract or hire staff to perform the duties outlined in this Charter.

#### **5.04 PREPARING APPLICATIONS FOR FUNDS (578.39)**

HUD Continuum of Care funding guidelines are specifically defined in The HEARTH Act. All project applicants within the HUD Continuum of Care Project Application will follow guidelines of The HEARTH Act including but not limited to: recordkeeping (578.103-578.109 and 24 CFR 576.500C) and allowable funding identified and eligible costs (578.39-578.93).

The CoC will operate under all funding guidelines as outlined in The HEARTH Act (Part 578 Continuum of Care) including but not limited to:

- A. Designing and adhering to a collaborative process for development and submission of applications in response to a NOFA published by HUD under 578.19, other funding opportunities and collective projects;
- B. Evaluating the outcomes of projects funded through the Continuum of Care Program by HUD;
- C. Establishing priorities that align with local and federal policies, recommending projects for HUD homeless assistance, other grant funding and homelessness initiatives; (Prioritization Policy in place)
- D. Retaining all of its responsibilities, even if it designates one (1) or more eligible applicants other than itself to apply for funds on behalf of the CoC; and
- E. Establishing an impartial ranking process for the purpose of prioritizing projects for funding applications. (Ranking Policy in place)

## **5.05 ESTABLISH AND OPERATE A COORDINATED ENTRY AND ASSESSMENT PROCESS**

The CoC operates a Coordinated Entry and Assessment process that provides an initial, comprehensive assessment of the needs of individuals and families for prompt housing and services. Coordinated Entry and Assessment policy guides the operation of the systems across the CoC to coordinate participant intake, assessment and provision of referrals in a way that is easily accessed and understood by individuals and families seeking housing or services. (Coordinated Entry and Assessment Policy in place)

## **5.06 PLANNING**

The CoC will develop a plan in alignment with The HEARTH Act (578.39) that includes:

- A. Coordinating the implementation of an effective housing and service system that meets the needs of homeless individuals, homeless families, and unaccompanied youth by providing:
  1. Outreach, engagement, and assessment;
  2. Shelter, housing, and supportive services; and
  3. Prevention strategies.
- B. Planning for and conducting a Point in Time Count of homeless persons at least every two (2) years within Kern County;
- C. Conducting an annual gaps and duplication of services analysis relating to homelessness needs and services;
- D. Providing information to government agencies that are required to complete consolidated plan(s) and to other facilitators of federal funding within Kern County; and
- E. Consulting with state and local government ESG program recipients within Kern County relating to allocating ESG program funds.

## **ARTICLE VI. KCHC MEMBERSHIP (578.7B)**

### **6.01 STAKEHOLDERS**

- A. CoC will work to garner community-wide commitment to ending and preventing homelessness in all parts of the county by partnering with vital stakeholders. CoC will recruit Voting Members to ensure that all membership requirements set forth in the Governance Charter are met. Examples of stakeholders include (but are not limited to) those identified in Section 3.01.
- B. CoC will strive to ensure representation from service providers that aid homeless persons from the following subpopulations:

-Chronically homeless individuals and families	-Medically fragile persons
-Chronically homeless HIV positive individuals	-People with physical and/or mental disabilities
-Domestic violence victims	-Unaccompanied youth 18 to 24
-Families who are homeless	-Unsheltered homeless
-Homeless individuals requiring legal services	-Veterans who are homeless
-Incarcerated adults and youth being released into homelessness	-Youth under 18
- C. CoC will strive to ensure representation from diverse public and private agencies, including:
  - Child and adult protective services
  - Aging and adult services
  - Civic organizations
  - Organizations providing employment training and placement
  - Providers of mainstream assistance/resources
    - Neighborhood associations
    - Substance abuse recovery agencies

### **6.02 MEMBERSHIP**

Membership is open to organizations and individuals who support the CoC mission. There are two (2) categories of CoC members: "Voting Members" and "Community Partners" (578.7a). Voting Members include both HUD Continuum of Care-funded and non-Continuum of Care-funded organizations. All members of the CoC must reside within the County of Kern.

- A. Voting Members are individuals or organizations that actively participate in the coordinated activities of the CoC, submit a Member Packet and pay membership dues annually. Annual fee waivers are available to homeless or formerly homeless individuals. Fee waivers/reductions may also be granted at the Governing Board's discretion (See Voting Member description, Page 7).
1. Each Voting Member must designate one (1) representative and one (1) designated proxy, who must be identified in writing before any meeting begins, to the Governing Board Chair or Committee Chair respectively, when one or both change. Each Voting Member shall have one (1) vote at full membership meetings.
  2. Individuals or organizations seeking Voting Member privileges must complete a membership packet, pay an annual membership fee, and commit to participation in the work of the CoC to achieve its stated purposes and goals.
  3. Benefits of Voting Members include the following opportunities not available to Community Partners:
    - a. Voting privileges at full membership meetings;
    - b. Participation as an applicant in funding opportunities;
    - c. Participation as Committee chairs and Co-Chairs;
    - d. Committee voting privileges;
    - e. Access to the Homeless Management Information System (HMIS) data base;
    - f. Support for homelessness efforts from the Collaborative Applicant;
    - g. Branding on the CoC website including:
      - i. Agency information and placement of the agency's logo;
      - ii. Contact and services information;
      - iii. Live links to the agency's website and promotions;
      - iv. Promotion through CoC social media outlets and other communications.
  4. Individuals or organizations who desire to be voting members and are not HUD Continuum of Care-funded, and do not intend to seek HUD funding in the next funding cycle, may join as Non-Funded Voting Members. These members enjoy all the privileges listed above, except participation as an applicant in funding opportunities (Item 3b) and access to the Homeless Management Information System database (Item 3e).
- B. Community Partners are individuals or organizations that share the CoC's commitment to ending homelessness through collaborative planning and action and want to engage in the effort. Community Partners are not eligible to participate in any voting processes or to serve as officers of Committees or on the Governing Board. There is no limit to the number of Community Partners. Employees of Voting Member organizations are not considered Community Partners.

### **6.03 MEETINGS AND PARLIAMENTARY PROCEDURE**

- A. All meetings will be open to the public except as otherwise determined by the Governing Board. Meetings of the CoC are subject to the Ralph M. Brown Act. Any person who attends a CoC meeting may be asked by the Governing Board Chair to leave if the person is verbally or physically disruptive; if a conflict of interest to a given conversation applies; or if an agenda business item(s) is deemed by the Governing Board Chair to be of such nature that it involves only CoC private business.
- B. Robert's Rules of Order Abridged-Revised will guide the process during all meetings.

### **6.04 FULL MEMBERSHIP MEETINGS**

Full CoC Membership will meet at least two (2) times each year:

- A. One (1) meeting will be held each fall to elect the new Governing Board (first meeting of the new Board to commence in October), review and approve any proposed revisions to the Governance Charter, receive the annual meeting calendar, elect Committee chairs, and conduct other business as necessary.
- B. The second required meeting will be held each spring to receive the report of the Point in Time Committee of the January Point in Time Count.

## **6.05 QUORUM**

- A. A quorum will consist of fifty percent plus one (50%+1) of eligible Voting Members for CoC membership meetings; and fifty percent plus one (50%+1) of the members of the Governing Board for Governing Board meetings;
- B. No business may be officially transacted without a quorum at any meeting of the Governing Board or the Membership.

## **6.06 SPECIAL MEETINGS**

Special meetings of the CoC Membership or Governing Board may be called by a simple majority fifty percent plus one (50%+1) of the Voting Membership or by a simple majority fifty percent plus one (50%+1) of the Governing Board, respectively. The Governing Board Chair may also call special meetings. Notice will be provided by email to each appropriate Member at least 72 hours prior to the meeting.

## **6.07 EMERGENCY MEETINGS**

Emergency meetings of the CoCC Membership or Governing Board may be called by a simple majority fifty percent plus one fifty percent plus one (50%+1) of the Voting Membership or by a simple majority fifty percent plus one fifty percent plus one (50%+1) of the Governing Board, respectively. The Governing Board Chair may also call emergency meetings. Notice will be provided by email to each Voting Member at least 24-hours prior to the meeting.

## **6.08 MEETING NOTICES**

- A. An annual calendar of the Governing Board meetings and Committee meetings will be presented at the annual full membership meeting in September; distributed to all Voting Members electronically; and published on the CoC website.
- B. Notice of the full membership meeting will be published on the CoC website and distributed electronically to all Voting Members, Non-Funded Voting Members and Community Partners at least seven (7) business days prior to the scheduled meeting.

## **6.09 VOTING**

- A. Voting Members, including Non-Funded Voting Members, may vote at all meetings of the full membership of the CoC if they have paid dues. Voting privileges are limited to one (1) vote per Voting Member (organization or individual).
- B. Voting Members and Community Partners will have the right to participate in discussions at meetings. Only Voting Members may vote on matters before the Board or Committees.
- C. A majority of votes, fifty percent plus one (50%+1), will carry or defeat a motion.
- D. Only the representative OR proxy for an organization may cast the vote for that organization. Each organization (or individual Member, if an individual Membership) will indicate in writing the names of two (2) persons – one (1) representative and one (1) proxy who may vote. Such notice must be provided in writing at the general membership meeting, or whenever one or both representatives change.
- E. Votes may be conducted electronically when time is of the essence.
- F. Voting Members must declare any conflict of interest (or potential or perceived conflict of interest) they or their organization has on any voting issue. Voting Members will abstain from voting on any issue where they have a conflict of interest. The Governing Board Chair or Committee Chair may require a Member to abstain because of a conflict.
- G. The Governance Charter may be amended by a two-thirds (2/3) vote of the Voting Members who are eligible to vote and who are present at the fall General Membership meeting (or at a meeting called for such purpose). A quorum must be established at the meeting and notice given seven (7) calendar days prior to the meeting. Any such vote will be conducted in accordance with the established policies and procedures of the CoC. Absentee voting is not permitted except by designated proxies.

## **6.10 MEETING MINUTES**

Minutes of any official meeting of the Board or Membership will be produced by the Board Secretary. An electronic copy, along with the sign-in sheet of attendees, will be submitted to and maintained by the

Collaborative Applicant for distribution, historical record, and for publishing on the CoC website within ten (10) days of the meeting.

## **ARTICLE VII: GOVERNING BOARD (578.5B)**

### **7.01 GOVERNING BOARD OVERVIEW**

The Governing Board is charged with responsibilities and authorities on behalf of the Voting Members and the Ranking Committee. To this end the CoC will strategically comprise a Governing Board that represents the stakeholder groups enumerated in The HEARTH Act which require the Board to be representative of relevant organizations and of projects serving homeless subpopulations within the County of Kern, including at least one (1) homeless or formerly homeless individual to act on behalf of that population.

### **7.02 GOVERNING BOARD RESPONSIBILITIES**

The Governing Board will:

- A. Direct the CoC work defined in this Charter;
- B. Conduct the hands-on work and facilitate the standing and ad hoc Committees of the CoC. Every member of the Governing Board must serve on at least one (1) Committee;
- C. Build community awareness of the needs of all homeless and at-risk populations found in the county;
- D. Ensure, to the greatest extent possible, access to services by the subpopulations enumerated in Section 6.01B; and
- E. Ensure relevant organizations and projects serving various homeless and at-risk subpopulations are represented in the planning and decision-making of the Governing Board.

### **7.03 GOVERNING BOARD AUTHORITY**

The Governing Board has the authority to:

- A. Conduct CoC Program planning (*Section 5.06*) and set goals and priorities for ending homelessness in Kern County;
- B. Approve CoC policies and homelessness initiatives as recommended by service providers and/or Committees;
- C. Create Committees, sub-Committees, ad hoc Committees, and task groups necessary for the proper and efficient functioning of the CoC as long as these Committees do not interfere with or duplicate the duties of any existing Committee; and
- D. Dissolve Committees, sub-Committees, ad hoc Committees, or task groups, except for Committees established pursuant to Section 8.01, if they are determined to be unnecessary for the proper and efficient functioning of the CoC.

### **7.04 GOVERNING BOARD COMPOSITION**

The Governing Board is comprised of fifteen (15) members elected by the Voting Members. The Governing Board designations are:

#### Governing Board Officers (Executive Committee)

1. Chair (Officer)
2. Co-Chair (Officer)
3. Secretary (Officer)
4. United Way of Kern County representative (Officer)
5. HMIS Lead (Officer)

#### Required Members

6. Homeless / formerly homeless person
7. Education / McKinney Vento representative
8. Veteran or veteran service agency representative
9. ESG Program funded agency or recipient agent

#### At-Large Governing Board Members

- 10-15. Six (6) at large members who provide services to the homeless.

### **7.05 GOVERNING BOARD SELECTION PROCESS**

- A. Board Members will be elected by the Voting Members at the fall Full Membership meeting and seated in October.

- B. The Membership shall be informed when the nomination period opens.
- C. A Nominating Committee, comprised of three (3) to five (5) Voting Members will be appointed annually by the Board Chair and confirmed by the Governing Board. The Committee will identify and screen potential candidates and conduct the election by secret ballot at the fall Membership Meeting.
- D. The Nominating Committee will:
  - 1. Recruit candidates and confirm willingness to serve.
  - 2. Verify qualifications of all candidates to serve as Board Members or Officers.
  - 3. Ensure adequate representation of sub-populations listed in *Section 6.01B*.
- E. Governing Board Members will be elected to two (2) year terms. In the event no candidate for a board position receives a majority of votes, the candidate with the largest plurality shall be elected.
- F. The traditional nominating and election timeline is as follows:
 

June	Board Chair appoints Nominating Committee
July	Nominating Committee convenes
August	Nominations made to the Board
Fall	Full membership meeting vote to elect the Governing Board and Officers and ratify or amend the Governance Charter
October	Board seating takes place. Outgoing Governing Board provides “training” for incoming Board

**7.06. GOVERNING BOARD QUALIFICATIONS**

- A. CoC Board Members and Officers are selected to represent various constituencies. As a whole the Board should:
  - 1. Be diverse, including philosophical and socio-economic diversity;
  - 2. Have complementary skill sets;
  - 3. Represent a balance of community stakeholders in the region; and
  - 4. Be able to network with other potential Governing Board Members.
- B. Potential Board Members must be current Voting Members who have paid membership dues, and demonstrate:
  - 1. A high level of ethical behavior;
  - 2. Working knowledge of and compassion around homelessness and the rights of homeless individuals and families.
- C. Members of the Governing Board must be eligible to transact business with federal and local government. Potential Members of the Board must be cleared through a public registry at the time of nomination and at least annually thereafter. The public registries used should list persons and businesses that are barred from, or suspended from transacting business with federal, state, or local government.
- D. Because of their unique responsibilities to ensure fairness and transparency in all activities of the CoC, the Governing Board Chair and Co-Chair may not be employees or board members of any HUD Continuum of Care-funded agency.
- E. All Board members must attend at least fifty percent (50%) of meetings each year and not be absent for two (2) consecutive meetings in order to remain in good standing. Board Members and Officers failing to meet the attendance standard will be subject to removal by majority vote fifty percent plus one (50% + 1) of the Governing Board.

**7.07. GOVERNING BOARD DOCUMENTATION**

- A. The CoC will conduct and transact business in a fair and transparent manner. To this end, the Board will maintain records of all CoC actions, considerations, and decisions and make these available to the public upon request. Meetings of the Board will be open to Community Partners and the public who wish to observe proceedings except in unusual circumstances described in Section 6.03.
- B. The Collaborative Applicant will keep record of all policies, calendars, meeting minutes, and records, and will oversee management and reporting of CoC finances.



## **7.08. TERMINATION POLICY**

Any Governing Board Member, or the entire Governing Board, may be removed for cause by a two-thirds (2/3) vote of the CoC Voting Membership at a specially called meeting. Cause is constituted by a violation of the conflict of interest regulations or a violation of the Code of Conduct and ethics. (*See Article XII*).

## **ARTICLE VIII. COMMITTEES (578.7a)**

### **8.01. STANDING COMMITTEES**

The CoC has established Standing Committees that are responsible for ongoing work and advisement on key issues and community initiatives. These Committees are formed for ongoing, long-term activities. Committees are established as Standing Committees that incorporate Voting Members of the full membership and may only be disbanded by a change to the Governance Charter approved by a direct action of the full Voting Membership. (Committee Charters in place.)

The Standing Committees are:

- CoC Planning and Performance
- Point in Time
- Homeless Prevention and Discharge Planning
- HMIS/Data Quality
- Outreach
- Housing
- Resource Development
- SOAR (SSI/SSDI Outreach, Access and Recovery)
- Youth Action Board
- Homeless Youth
- Coordinated Entry System
- Rural Subcommittee
- Ad Hoc Messaging Committee
- Lived Experience Advisory Group

Standing Committees of the CoC will be comprised of at least five (5) Voting Members of the CoC including at least one (1) Governing Board Member or Officer. Each Committee will:

- A. Have a Chair and a Co-Chair, confirmed by the Governing Board annually. Voting Member organizations may have representation serving as Chair or Co-Chair of up to two (2) Committees. An individual may serve as Chair or Co-Chair of only one (1) Committee.
- B. Be comprised of Voting Members and Non-Funded Voting Members in good standing. Community Partners may attend Committee meetings and participate in discussions, but may not vote or serve as officers of Committees.
- C. Present a full Committee membership roster at the fall general membership meeting. Additions and/or deletions to the roster can be made throughout the year by the Committee. Committee Chairs will inform the Collaborative Applicant of changes in the Committee roster.
- D. Establish regular recurring meetings and supply an annual calendar to the Collaborative Applicant for publishing on the CoC website and for distribution to the full CoC membership.
- E. Distribute a written agenda to all Committee members and the Collaborative Applicant at least five (5) days before the scheduled meeting.
- F. Record meeting minutes of each Committee meeting and distribute them to all Committee members and the Collaborative Applicant within ten (10) business days after meetings.
- G. Call meetings during the intervals between the monthly meetings of the Governing Board or at the request of the Governing Board.
- H. Report the results of its meetings to the Governing Board at Governing Board meetings.
- I. Recommend Governing Board action on matters under the Committee's purview. Recommendations to the Governing Board must be made by a recorded vote of Committee Members.
- J. The Youth Action Board (YAB) will be comprised of at least three youth (18-24 years of age). At least 2/3 of the YAB members must be homeless or formerly homeless. The Youth Action Board will vote on action items based on majority rule (50%+1) of members. The Advisor & Co-Advisor will not be able to vote on YAB action items; they are there only to facilitate. The Advisor & Co-Advisor must be from 2-18 different CoC voting member agencies. There will be no Chair or Co-Chair for the YAB. The YAB will be a Standing Committee, as it is meant to be used for long-term, ongoing work on issues regarding youth

homelessness from youths' perspectives. The YAB is exempt from paying annual KCHC dues, as the YAB includes homeless/formerly homeless individuals.

The Committee Chair will be responsible for timely notification of meetings; will have the authority to call Committee meetings, and will determine who has met eligibility to vote on matters before the Committee.

All Committee members will comply with conflict of interest and Committee guidelines. Committee members must attend at least fifty percent (50%) of Committee meetings and not be absent for three (3) consecutive meetings in order to remain in good standing with the Committee. Committee members failing to meet the attendance standard will be subject to removal and replacement by the Committee.

#### **ARTICLE IX. EMPLOYMENT STATUS (578.9A)**

##### **9.01. OVERVIEW**

Governing Board Members, Voting Members, and Community Partners are not deemed employees of the CoC nor the Collaborative Applicant and are not entitled to benefits or compensation by virtue of their service to the CoC.

#### **ARTICLE X. RELATIONSHIPS WITH OTHER HUD-FUNDED CONSTITUENCIES (578.7a)**

##### **10.01. HUD FUNDING ENTITLEMENT AREAS OTHER THAN CoC FUNDING**

The CoC directly participates with jurisdictions that are federally funded, including but not limited to ESG, VASH, HOPWA, EFSP, VA administration, and SAMSHA. The CoC makes itself available to respective jurisdictions for the development of cooperative plans and strategies that leverage resources, identify gaps and duplication, and maximize service to people who are homeless or at risk of homelessness.

#### **ARTICLE XI. LIMITATIONS**

##### **11.01 POLITICAL ACTIVITY**

The CoC will not engage in activities in favor of or against any political campaign, except as the law affords to advocate for the rights of people who are homeless or who are at risk of homelessness.

#### **ARTICLE XII. CODES OF CONDUCT AND CONFLICTS OF INTEREST (578.95)**

##### **12.01 CODE OF CONDUCT**

The members of the Governing Board are entrusted with specific responsibilities related to use of public funds invested in addressing homelessness. Board Members are expected to observe the highest standards of ethical conduct in the execution of these responsibilities. In the performance of their duties, Governing Board 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 while interacting with other members of the Board, CoC representatives, service recipients, service providers, and the public.

- A. The CoC prohibits the solicitation and acceptance of gifts or gratuities by the Governing Board, Ranking Committee, Voting Members, or employees and agents of the Collaborative Applicant from anyone who intends to receive personal benefit or preferential treatment. Violation of any portion of this code could subject a Voting Member to immediate termination from membership as determined by the Governing Board;
- B. The CoC promotes impartiality in performing official duties and prohibits any activity representing a conflict of interest. Individuals should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question fairness;
- C. Officers, Voting Members and Committee Members shall:
  1. Put forth honest effort in the performance of their duties;
  2. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the CoC without previous Governing Board approval;
  3. Disclose waste, fraud, abuse and corruption to the appropriate authorities;

4. Adhere to all laws and regulations that provide equal opportunity to all United States citizens regardless of race, color, religion, sex, gender, sexual orientation, national origin, age, or disability, or any other protected category;
5. Conduct themselves with courtesy and respect. Personal relationships should not result in special considerations that influence the performance of their official duties in a manner contrary to the interest of the broader CoC. Governing Board Members and Officers are expected to exercise adequate control and supervision over matters for which they are individually responsible.
6. Assure that the resources entrusted to them are used for conducting official business only. Members and Officers of the CoC Board must abide by the Conflict of Interest Policies established for Governing Board operations.
7. Protect any confidential information provided to, or generated by, the activities of the CoC; and
8. Not use confidential information of the CoC for any purpose or disclose such confidential information to any third party, except as necessary to perform their duties and responsibilities as members of the Governing Board.

#### **12.02 PUBLIC STATEMENTS AND MEDIA RESPONSE**

In the interest of presenting a unified voice in the community, the Collaborative Applicant is the designated spokesperson and media point of contact for the CoC for inquiries or official statements related to the CoC. Members will refrain from making public comments or speaking to the media on behalf of the CoC, unless the Chair or Collaborative Applicant determines that the interests of the CoC are best served by another member speaking on behalf of the group. When making public statements or speaking to the media on issues related to homelessness, Members will make clear, to the best of their ability, whether they are speaking in their own organization's/individual's name or on behalf of the CoC.

The Collaborative Applicant may designate liaison/liasons for representation or presentations to various groups.

#### **12.03 GOVERNING BOARD REVIEW OF VIOLATION OF THE CODE OF CONDUCT CHARGES**

- A. When an allegation of misconduct is received by the Governing Board, an Ethics Review Ad Hoc Committee will be assembled by the Officers of the Governing Board. This Committee may not exceed five (5) members, and must include a minimum of two (2) persons from the CoC membership who are not Board Members. The Ethics Review Committee will conduct a review of the matter and make a recommendation to the Governing Board for resolution. [The Governing Board is not bound by the Ethics Review Committee's recommendation.]
- B. If requested by a majority of the CoC membership, an Ethics Review Ad Hoc Committee may also be assembled to give guidance to the CoC concerning other aspects of conduct, including actions of staff, consultants, or other persons charged with implementation of duties relating to the responsibilities of the Governing Board.

#### **12.04 GOVERNING BOARD RESPONSES TO COMMUNITY CONCERNS/OBLIGATION TO REPORT**

Upon receipt of a written concern, the Chair of the Governing Board, in consultation with the Collaborative Applicant, will determine what action to take. The Chair must report complaints and actions to the Governing Board monthly. Governing Board Members and Officers must exercise adequate control and supervision over matters for which they are individually and collectively responsible, taking such measures as are necessary and appropriate in considering the concerns of the community.

#### **12.05 CONFLICTS OF INTEREST AND RECUSAL POLICY (578.95)**

- A. No Member of the CoC will vote on or participate in any matter which creates or presents a conflict of interest. A Voting Member must recuse himself or herself from the vote and decision-making or evaluation process when a conflict of interest exists.
- B. No Voting Member may participate in or influence discussions or resulting decisions concerning the award of a grant, prioritizing, or other financial benefits to any organization that the Member represents.

- C. Conflict of interest arises when: Because of activities or relationships with other persons or organizations, the Member is unable (or potentially could be unable) to render impartial assistance in the provision of any type or amount of assistance while participating in the CoC, or when an individual's or an entity's objectivity in performing work with respect to any activity pertaining to the CoC is or might be otherwise impaired.
- D. Other conflicts: No individual who is performing, or who has performed, any functions or responsibilities or who is in a position to participate in a decision-making process (or gain inside information with regard to activities) 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.
  - 1. Exceptions: upon the written request of the recipient the Governing Board may grant an exception to the provisions of this section on a case-by-case basis.
  - 2. The Governing Board will consider an exception only after the recipient or sub-recipient has provided the following documentation:
    - i. A disclosure of the nature of the conflict;
    - ii. A written assurance that there has been public disclosure of the conflict;
    - iii. A written description of how the public disclosure was made; and
    - iv. If the recipient is a private nonprofit organization, a written assurance that the conflict has been disclosed in accordance with its written code of conduct or other conflict-of-interest policy.
- E. Factors to be considered for exceptions: In determining whether to grant a requested exception after the Member has satisfactorily met the threshold requirements, the Governing Board must conclude that the exception furthers the purposes of the HUD Continuum of Care Program. Effective and efficient administration of the recipient's or sub recipient's project should consider the cumulative effect of the following factors, as applicable:
  - 1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
  - 2. Whether an opportunity was provided for open competitive bidding or negotiation;
  - 3. Whether the affected person has withdrawn from his or her functions, responsibilities, or the decision-making process with respect to the specific activity in question;
  - 4. Whether the interest or benefit was present before the affected person was in the position;
  - 5. Whether undue hardship will result to the recipient, the sub recipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
  - 6. Whether the person affected is a member of a group or class of persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; and any other relevant considerations.

#### **12.06 OBLIGATION TO DECLARE POTENTIAL CONFLICT OF INTEREST**

Board Members will declare any real or perceived conflicts of interest for anyone, including themselves. In the event of a perceived conflict of interest, the conflicted person must disclose adequate information to rebut such conflict while taking into consideration local, state, and federal laws. This information must be disclosed before participating in the deliberation and decision-making or evaluation process at the point in time the conflict is perceived, identified or determined. This policy applies to both personal and organizational conflicts. The chair should be notified of the conflict. The responsibility of the Chair is to determine if a conflict of interest exists which requires recusal.