Bakersfield/Kern County CA-604CoC

GOVERNANCE CHARTER RECITALS *(24 CFR Part 578)*

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 or BKRHC).

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

Board Approved: 10/28/2026

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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 8BU.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 9BU.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.

Bridge Housing - Short-term stay when a person or family has been offered and has accepted a permanent housing intervention but is not able to immediately enter the permanent housing. Though length of stay in Bridge Housing can and should be individually determined based on need, in general it is not expected to exceed 90 days.

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 that equal 12 months; 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 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 Bakersfield Kern Regional Homeless Collaborative (BKRHC) serves as the CoC's fiscal agent. BKRHC is designated by the 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 from 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.

Eligible applicant - A private nonprofit organization, State, 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.

HEARTH Act - The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 was signed into law on May 20, 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes which impact the definition of at risk of homeless, homeless, and chronically homeless.

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 night-time 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 CoC to comply with the HMIS requirements as prescribed by HUD. HMIS is a computerized data collection tool designed to capture client-level information on the demographics and service needs of persons experiencing homelessness.

Housing First - Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

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

Interim Housing - Any facility that is primarily intended to provide temporary shelter or lodging for a target population, and that does not require occupants to sign leases or occupancy agreements.

Low Barrier Navigation Center - A "Housing First," low barrier, temporary, service-enriched shelter that helps homeless individuals and families to quickly obtain permanent housing.

McKinney Vento Act - The McKinney Vento Homeless Assistance Act ensures the educational rights and protection of students who lack a fixed, regular and adequate nighttime residence.

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 night in the last ten (10) calendar days of January or at such other time as required or allowed 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 through programs specifically designed to serve the homeless or at risk of becoming homeless.

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 CoC 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 short-term or medium-term rental assistance 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.

Stakeholders - See Section 6.01.

Sub recipient - A private nonprofit organization, State, 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.

Unified Funding Agency (UFA) - An eligible applicant selected by the CoC to apply for a grant for the entire CoC, which has the capacity to carry out the duties in 24 CFR 578.11(b), which is approved by HUD and to which HUD awards a grant.

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, Subcommittee 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. Annual fee waivers are available to homeless or formerly homeless individual Voting Members or to others at the discretion of the Governing Board (See Section 6.02).

ARTICLE II. BAKERSFIELD / KERN CoC GEOGRAPHIC BOUNDARIES

2.01 BOUNDARIES

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

ARTICLE III. ESTABLISHMENT OF THE CoC

3.01 OVERVIEW

HUD charges communities that receive funds under 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. In collaboration with the CoC, the Collaborative Applicant/Fiscal Agent (BKRHC) acts as the facilitator when submitting applications on behalf of the CoC for HUD Continuum of Care Programs.

ARTICLE IV. MISSION AND PURPOSE

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

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 (24 CFR *578.7A9*) and periodic evaluation;
    2. The goals of the 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 Voting Members and Community Partners; Working to achieve goals established in funding and project focus applications.
    6. 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 of 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 of 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, Cal-Fresh, 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

5.01 OPERATING THE CoC

The CoC 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 in collaboration with BKRHC;
D. Follow the process outlined in Section 10.01 to engage key government representatives to end homelessness in Kern County in collaboration with BKRHC;
E. Appoint Subcommittees 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; Promote and support the recordkeeping requirements of The HEARTH Act, especially for HUD Continuum of Care funded agencies;
I. Establish and consistently follow written standards for providing CoC assistance. At minimum these written standards must include Emergency Transfer Plans required under CSFR section 578.99(j)(8) and policies and procedures for:
    1. 156BEvaluating individuals' and families' eligibility;
    2. 157BDetermining and prioritizing which eligible individuals and families will receive assistance for:
        a. 158BTransitional housing (TH);
        b. 159BRapid re-housing (RRH) and what percentage or amount of rent each participant must pay while receiving RRH; and
        c. 160BPermanent Supportive Housing (PSH).
        d. 161BInterim Housing
        e. 162BBridge Housing
J. Using low-barrier, client-centered practices when they support the best interest of the individual or family experiencing homelessness and are permitted by law.
K. Ensure that the CoC members, officers, subcommittee 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. 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 shall comply with the provisions of all Federal, State, and local laws prohibiting discrimination

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:

1. Determine eligibility shall comply with the provisions of all Federal, State, and local laws prohibiting discrimination.
2. Grant equal access to CPD programs or facilities consistent with the provisions of all Federal, State, and local laws prohibiting discrimination.
3. Take non-discriminatory steps when necessary and appropriate to address privacy concerns raised by any residents or occupants.
4. 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.

5.02 FISCAL AGENT / COLLABORATIVE APPLICANT RESPONSIBILITIES

Bakersfield-Kern Regional Homeless Collaborative, Inc. (BKRHC) is the Fiscal Agent herein referred to as "Collaborative Applicant". BKRHC is 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 collects membership dues, accepts donations or grant awards on behalf of the CoC, and oversees CoC funds. BKRHC is not a Unified Funding Agency. Other responsibilities of the Collaborative Applicant include:

A. Provide administrative support:
    1. Governing Board, officers and Subcommittees
    2. Attend meetings as necessary
    3. To monitor reports of recipients and sub recipients;
    4. Report on progress to full CoC membership and Governing Board;
    5. Implement initiatives approved by the Governing Board to enhance CoC performance;
    6. Provide monthly activity reports and quarterly financial reports;
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 24 CFR 578.5B and;
    2. CoC operates in compliance with applicable law, including provisions regarding published agendas and meeting minutes, an approved Governance Charter, Subcommittees, and a designated single HMIS.
D. Research feasibility of funding opportunities;
E. Serve as fiscal agent for financial administration;
F. Expand and maintain CoC membership through proactive engagement of key stakeholders;

outreach to and coordination with community groups;

G. Conduct new member orientation;
H. Create outreach materials including but not limited to interactive website, social media campaigns and community education efforts;
I. Serve as the CoC point of contact for the community in coordination with the Board Chair;
J. Monitor best practices, and make recommendations to Subcommittees and the Governing Board;
K. Disseminate information for the Governing Board and all Subcommittees including: schedules, agendas, minutes, attendance, HUD advisories, funding opportunities, webinars, membership, and special events; (24 CFR *578 Subpart B*);
L. Contract or hire staff to perform the duties outlined in this Charter.

5.03 OPERATING HMIS

A. The HMIS administering agency (aka "HMIS Lead") is a Voting Member of the CoC and manages HMIS operations on behalf of the CoC.
B. Policies for compliance will be developed – including plans for privacy, security and data – (24 CFR *578.7b3)* and reviewed annually by the HMIS/Data Quality Subcommittee, and any data policy changes will be presented to the Governing Board for approval. (24 CFR *578.7c2*).
C. The HMIS Lead will:
    1. Lead HMIS trainings;
    2. Chair the HMIS/Data Quality Subcommittee;
    3. Report progress to the CoC Governing Board on data collection, entry and analysis, ensure compliance with HUD (and other funders') requirements;
    4. Monitor data quality and errors across CoC recipients and subrecipients;
    5. Operate the HMIS system;
    6. Assist Voting Members of the CoC with data and technical support;
    7. Ensure timely production and oversight of data reports including: Systems Performance Report (SPM), Longitudinal System Analysis (LSA), and performance reports (APRs).
    8. Provide administrative support for the Point in Time Count (PIT) and Housing Inventory Count (HIC)
    9. Ensure development and execution of Memorandums of Understandings (MOUs) between all Voting Members, and file each MOU with the Collaborative Applicant;
    10. Maintain data security systems;
    11. Develop and recommend data quality standards for approval by the Governing Board; and
    12. Ensure consistent participation of recipients and sub recipients in the HMIS.

5.04 PREPARING APPLICATIONS FOR FUNDS

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 (24 CFR *578.103-578.109 and 24 CFR 576.500C*) and allowable funding identified and eligible costs (24 CFR voting memb*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

F. 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. The Coordinated Entry System lead agency (aka "CES Lead") is a Voting Member of the CoC and manages CES operations on behalf of the CoC. The CES lead is designated by the CoC as the CES lead.
G. Policies for compliance will be developed and reviewed annually by the CES Subcommittee and any policy changes will be presented to the Governing Board for approval.
H. The CES lead will:
    1. Lead CES trainings;
    2. Chair the CES Subcommittee;
    3. Oversee CES data collection and outcomes;
    4. Operate the CES system;
    5. Assist Voting Members of the CoC with technical support;
    6. Ensure consistent participation of recipients and sub recipients in CES

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. In collaboration with BKRHC:
    1. Conduct an annual gaps and duplication of services analysis relating to homelessness needs and services;
    2. Provide information to government agencies that are required to complete consolidated plan(s) and to other facilitators of federal funding within Kern County; and
    3. Consult with state and local government ESG program recipients within Kern County relating to allocating ESG program funds.

ARTICLE VI. CoC MEMBERSHIP

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:
   1. Chronically homeless individuals and families
   2. Chronically homeless HIV positive individuals
   3. Domestic violence victims
   4. Families who are homeless
   5. Homeless individuals requiring legal services
   6. Incarcerated adults and youth being released into homelessness
   7. Medically fragile persons
   8. People with physical and/or mental disabilities
   9. Unsheltered homeless
   10. Veterans who are homeless
   11. Unaccompanied youth 18 to 24
   12. Youth under 18
   13. Homeless individuals representing those over the age of 62

C. CoC will strive to ensure representation from public and private agencies, including:
   1. City and County departments
   2. Child and adult protective services
   3. Aging and adult services
   4. Civic organizations
   5. Organizations providing employment training and placement
   6. Providers of mainstream assistance/resources
   7. Neighborhood associations
   8. Substance abuse recovery agencies

6.02 MEMBERSHIP

A. Participation in the CoC is open to organizations and individuals that support the CoC's mission and operate programs in Kern County. The CoC recognizes two (2) categories of participation: **Voting Members** and **Community Partners** (578.7a).
   1. Voting Members are individuals or organizations that complete the required membership packet, pay annual dues unless waived or reduced, and are granted voting rights as described in this Charter.
   2. Community Partners are individuals or organizations that share the CoC's commitment to ending homelessness through collaborative planning and action, but do not pay dues and do not have voting rights or privileges reserved for Voting Members. Each designated representative must reside within the County of Kern.

B. Dues for Voting Members that do not receive HUD Continuum of Care funding shall be up to 50 percent of the dues for Voting Members that do receive HUD Continuum of Care funding.

Annual fee waivers/reductions are available to homeless or formerly homeless individual Voting Members or to others at the discretion of the Governing Board.

C. 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. (See Voting Member description, Page 7).
    1. Voting members are voted in as either an individual member or an organizational member.
        a. An individual member is defined as a subject matter expert voted into Governing Board independently of their organization or role.
        b. An organizational member is defined as a member representing a specific agency or organization. Organizational members maintain their seat throughout the term when their representative is no longer able to represent their organization (ex. the representative leaves the organization).
        c. BKRHC Employees are not eligible to serve as individual members of the CoC.
        d. Employees of a represented organizational member cannot serve as individual voting members, with the exception of the two members representing Lived Experience.
        e. No one agency or organization can serve on multiple member seats within the Governing Board unless an individual is representing in a designated Lived Experience seat.
    2. Organizational members, appointed members, and elected officials serving on the Governing Board may designate one (1) representative for their organizations. All members may also designate a proxy, the alternate person designated in writing to participate and vote when the representative is unavailable. Proxies must be identified in writing before any meeting begins, to the Governing Board Chair.
    3. Each Voting Member shall have one vote at Full Membership meetings.
    4. 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.
    5. 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 Subcommittee Chairs and Co-Chairs;
        d. Subcommittee voting privileges;
        e. Opportunity to access, but not guaranteed to the Homeless Management Information System (HMIS) database;
        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.

D. 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.
    1. Community Partners are not eligible to participate in any voting processes or to serve as officers of Subcommittees or on the Governing Board.
    2. There is no limit to the number of Community Partners.
    3. Employees of Voting Member organizations are not considered Community Partners.

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

Revenue	513B**Dues**
Less than $50,000	515B$50
$50,000 - $500,000	517B$150
$500,000 – and up	519B$250

6.03 MEETINGS AND PARLIAMENTARY PROCEDURE

A. All meetings will be open to the public except for Closed Session meetings. Meetings of the Governing Board are subject to the Ralph M. Brown Act.
B. Any person who attends a Governing Board meeting may be asked by the 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 Chair to be of such nature that it involves only CoC private business.
C. All Governing Board and Full Membership meetings shall follow Robert's Rules of Order Abridged-Revised which will guide the process for voting during all meetings.
D. Subcommittees will follow the expectations outlined in Section 9.01.

6.04 FULL MEMBERSHIP MEETINGS

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

A. One Full Membership meeting will be held each fall to elect new members to the 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 Subcommittee chairs, and conduct other business as necessary. The Governance Charter will be reviewed annually and amended as needed.
B. The second Full Membership required meeting will be held in the spring to receive the report of the Point in Time Subcommittee for the January Point in Time Count and to conduct new membership recruitment.

6.05 QUORUM

A. A quorum will consist of eligible Voting Members in good standing as follows:
    - 50%+1 of members in attendance for CoC biannual full membership meetings;
    - 50%+1 of the members of the Governing Board for all Governing Board meetings; and
    - 50%+1 of the established quorum for Subcommittee meetings
B. No business may be officially transacted without a quorum at any meeting

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 the Governing Board. The Governing Board Chair or BKRHC Executive Director may also call special meetings. Notice will be provided by email to each appropriate Member at least 72 hours prior to the meeting per Brown Act requirements

6.07 EMERGENCY MEETINGS

Emergency meetings of the CoC Membership or Governing Board may be called by a simple majority, fifty percent plus one fifty percent plus one (50%+1). The Governing Board Chair or BKRHC Executive

Director may also call emergency meetings. Notice will be provided by email to each Voting Member at least 24 hours prior to the meeting. Emergency meetings must meet Brown Act criteria for Emergency.

6.08 MEETING NOTICES

A. An annual calendar of the Governing Board meetings and Subcommittee meetings will be presented at the annual full membership meeting in fall; distributed to all Voting Members electronically; and published on the CoC website.
B. Notice of the full membership meeting and meeting materials will be published on the CoC website, publicly posted at BKRHC, and distributed electronically to all Voting Members and Community Partners at least seventy-two hours prior to the scheduled meeting.

6.09 VOTING

A. Voting Members may vote at all meetings of the full membership of the CoC if they are up to date with 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 Subcommittees.
C. A majority of votes, fifty percent plus one (50%+1), will carry or defeat a motion.
D. Each Voting Member may designate one (1) representative and one (1) designated proxy, who must be identified in writing before any meeting begins, to the Governing Board Chair, when one or both changes.
E. Each Voting Member shall have one (1) vote at full membership meetings.
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 Subcommittee 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 seventy-two hours 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 within seventy-two hours prior to the next regularly scheduled meeting on the BKRHC website.

ARTICLE VII. GOVERNING BOARD

7.01 GOVERNING BOARD OVERVIEW

The Governing Board is charged with responsibilities and authorities on behalf of the Voting Members. 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 of the CoC and support the facilitation of its Subcommittees and Working Groups. Each Governing Board member or a designated representative must serve on at least one (1) subcommittee.
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 308B6.01B; 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 Subcommittees;
C. Create Subcommittees and Working Groups as necessary for the proper and efficient functioning of the CoC as long as these bodies do not interfere with or duplicate the duties of any existing Subcommittee or Working Group; and
D. Dissolve Subcommittees and Working Groups, except for Subcommittees 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 composed of 25 members elected by the full Voting Membership. Elections for the Governing Board Members will occur annually. Voting Members will serve two (2) year terms or, in the event a Voting Member is elected or appointed by the Board mid-term due to a vacancy, will serve until the next voting cycle for the term of that seat. The Chair, Vice-Chair and Secretary will be a part of the Executive Board and elected from the pool of Governing Board members by the full membership to serve in these roles as officers. The Governing Board designations are:

A. <u>Governing Board Officers (also serving the Executive Board)</u>
   - Chair
   - Vice-Chair
   - Secretary
   - Treasurer (only serving the Executive Board)
B. <u>Required Members</u>
   - Coordinated Entry System (CES) Lead (appointed position)
   - HMIS Lead (appointed position)
   - Two (2) Homeless / formerly homeless person(s) (lived experience)
     - One from the Lived Experience Advisory Board Subcommittee

    - One from the Youth Action Board Subcommittee
- Education / McKinney Vento representative
- Veteran or veteran service agency representative
- ESG Program funded agency or recipient agent
- Victim Services Provider
- County of Kern (appointed position)
- City of Bakersfield (appointed position)
- Three (3) Elected Public Officials
- One (1) Representative of the Business Community
- Two (2) Representatives of Law Enforcement
- One (1) Representative from County Behavioral Health or behavioral health designee (appointed position)
- One (1) Representative of a local workforce development organization or system (ex. Member of the local workforce development board, State Workforce Agency, or American Job Center)
- One (1) Local Court system representative from a local court system managing Assisted Outpatient Treatment and/or other civil committee processes or from specialty courts (Ex. Mental Health Court, Drug Court, or Care Court)

C. <u>At-Large Governing Board Members</u>
- Five (5) at-large members who either provide services to the homeless or are community members
    - One (1) At-Large member seat may be a Health Care Provider or Representative at the board's discretion
- One (1) at-large member who represents Recovery Housing or a Sober Living Environment

D. <u>Non-Voting Member</u>
- Ex Officio Member (BKRHC Executive Director)

E. <u>Organizational and Individual Member Seats:</u>

Governing Board members will be voted in as either representatives of an organization or as individual members. Organizational and Individual members and parameters for those seats are further defined in Section 6.02 Membership.

The following seats will be represented on the Governing Board as organizational seats:
- County
- City
- CES representative
- HMIS Lead representative
- Education / McKinney Vento representative
- ESG Program funded agency or recipient agent
- Victim Services Provider
- Representatives of Law Enforcement
- Representative from County Behavioral Health or behavioral health designee

The following seats will serve as individual member seats on the Governing Board:
- Two (2) Homeless / formerly homeless person(s) representing lived experience
    - One (1) adult with lived experience
    - One (1) youth with lived experience (aged 18-24)
- Veteran or veteran service agency representative

- Elected Public Officials
- Representative of the Business Community

7.05 GOVERNING BOARD SELECTION PROCESS

A. Board Members will be elected by the Voting Members at the fall Full Membership meeting and will be seated immediately during that meeting to continue the business of the CoC.
B. The Membership shall be informed when the nomination period opens.
C. A nominating working group, comprised of three (3) to five (5) Voting Members will be appointed annually by the Board Chair and confirmed by the Governing Board.
    1. The nominating working group will identify, recruit, receive candidate nominations, screen potential candidates, and conduct the election by secret ballot at the fall Full Membership Meeting.
    2. The Nominating Working Group will:
        - Recruit candidates, receive candidate nominations, and confirm willingness to serve.
        - Verify qualifications of all candidates to serve as Board Members or Officers.
        - Ensure adequate representation of sub-populations listed in *Section 6.01B*.
D. Governing Board Members will be elected to two (2) year terms.
E. In the event no candidate for a board position receives a majority of votes, the candidate with the largest plurality shall be elected.
F. To ensure that the entire board does not turn over in the same year, the following schedule will be followed:
    1. Positions that are up for re-election during even years
        - Victim Services Provider
        - Lived Experience Advisory Board
        - McKinney Vento Representative
        - Four (4) at-large service providers/community members, including the at-large provider representing Recovery Housing or Sober Living Environment
        - Representative of the Local Workforce Development Organization or System
        - Elected Public Officials
    2. Positions that are up for re-election during odd years
        - Youth Action Board
        - Veteran Representative
        - ESG Program Representative
        - Representative of the Business Community
        - Representatives of Law Enforcement
        - Two (2) at-large service providers/community members
        - Local Court System representative of a Specialty Court
    3. Positions that are appointed and are never up for re-election
        - CES Lead
        - HMIS Lead
        - BKRHC Executive Director (Ex Officio/non-voting member)
        - County of Kern
        - City of Bakersfield
G. Governing Board and Executive Board Officers will be elected during the fall Full Membership meeting as their terms end.
H. The traditional nominating and election timeline is as follows:

June	Board Chair appoints Nominating Working Group

July	Nominating Working Group 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. Collaborative Applicant 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 aware and have understanding in the unmet needs for individuals experiencing homelessness
    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.
    5. The designated representative must have the authority to make decisions and act on behalf of their organization during Governing Board and Subcommittee meetings, consistent with the mission, goals, and responsibilities of BKRHC and the CoC.
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. To promote broad leadership participation while maintaining fairness, transparency, and accountability, any eligible Governing Board member may serve as Chair or Vice-Chair, including members who are employees or board members of HUD Continuum of Care-funded agencies. Any Chair or Vice-Chair with an actual or perceived conflict of interest must disclose the conflict and recuse themselves from discussion, deliberation, scoring, ranking, or voting on matters that directly affect their agency, funding, or financial interests, in accordance with the CoC's Conflict of Interest and Recusal Policy.
E. All Board members must attend at least fifty percent (50%) of meetings each year and not be absent for three (3) consecutive meetings 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, a violation of the Code of Conduct and ethics, or any other violation of the policies set forth by this charter. (*See Article XII*).

ARTICLE VIII. EXECUTIVE BOARD

8.01 EXECUTIVE BOARD AUTHORITY

The Executive Board has the authority to manage all business as related to the non-profit as outlined in Article VII in the By-Laws.

8.02 EXECUTIVE BOARD COMPOSITION

The Executive Board is composed of 7 members elected by the Governing Board. Elections for the Governing Board Members will occur annually during the fall Full Membership meeting with the conclusion of the terms of the officer. Executive Board Members will serve up to 2-year terms, concurrent with their Governing Board terms. In the event a Voting Member is elected or appointed by the Board mid-term due to a vacancy, will serve until the next voting cycle. Executive board members ar

A. The Executive Board designations are:
    - County Seat
    - City Seat
    - Five (5) At-Large Service Provider / Member seats
    - Ex Officio Member (BKRHC Executive Director)
B. Executive Board Officers
    - Chair (also serving as Governing Board Chair)
    - Vice-Chair (also serving as Governing Board Vice-Chair)
    - Secretary (also serving as Governing Board Secretary)
    - Treasurer
C. Given the fiduciary responsibility of the Executive Board, Board members cannot assign proxies to vote on their behalf during the Executive Board meeting.

8.03 EXECUTIVE BOARD SELECTION PROCESS

A. Executive Board Members will be elected by the Governing Board at the fall Full Membership meeting and seated immediately upon ratification of the vote.
B. The Membership shall be informed when the nomination period opens.
C. A Nominating Working Group, comprised of three (3) to five (5) Voting Members, will be made up of the Governing Board Nominating Working Group, appointed by the Board Chair and confirmed by the Governing Board. The Working Group will identify, recruit, receive applications, and screen potential candidates. They will conduct the election by secret ballot at the fall Membership Meeting.
D. The Nominating Working Group will:
    1. Recruit candidates and confirm willingness to serve.
    2. Verify qualifications of all candidates to serve as Executive Board Members or Officers.
E. Executive Board Members will be elected for up to two (2) year terms, or terms

corresponding with their existing Governing Board term. 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 County and City Members are appointed to the Executive Board and are never up for re-election.

G. The traditional nominating and election timeline is as follows:

June	Board Chair appoints Nominating Working Group
July	Nominating Working Group convenes
August	Nominations made to the Board
Fall	Full membership meeting vote to elect the Executive Board and Officers and ratify or amend the Governance Charter
October	Board seating takes place. Collaborative Applicant provides "training" for incoming Board

8.04 EXECUTIVE BOARD QUALIFICATIONS

A. Executive Board members:
   1. Be aware and have understanding in the unmet needs for individuals experiencing homelessness
   2. Have complementary skill sets;
   3. Have working knowledge of homeless services, policy, regulations and the rights of homeless individuals and families.
   4. Have exposure and experience with budgeting, policy, or regulations.
   5. The designated representative must have the authority to make decisions and act on behalf of their organization during Governing Board and Subcommittee meetings, consistent with the mission, goals, and responsibilities of BKRHC and the CoC.

8.05 EXECUTIVE 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 Executive Board actions, considerations, and decisions and make these available to the public upon request. Executive Board Meetings, with the exception of Closed Sessions, will be open to Community Partners and the public who wish to observe proceedings.

B. The Collaborative Applicant will keep record of all policies, calendars, meeting minutes, and records, and will oversee management and reporting of CoC finances.

ARTICLE IX. SUBCOMMITTEES

9.01 SUBCOMMITTEES

The CoC has established Subcommittees of the Governing Board that are responsible for ongoing work and advisement on key issues and community initiatives. These Subcommittees are formed for ongoing, long-term activities. Subcommittees incorporate Voting Members of the full membership and Community Partners but are not considered legislative bodies. A Subcommittee may only be disbanded by a change to the Governance Charter approved by direct action of the full Voting Membership. The Governing Board or a Subcommittee may appoint a Working Group to address a special project that is short in duration.

The Subcommittees are:

- Planning and Performance
- Point in Time
- Inflow Prevention
- HMIS/Data Quality
- Street Outreach / Rural
- Housing and Supportive Services, including Social Security /Social Security Disability Outreach, Access and Recovery (SOAR)
- Built for Zero
- Youth Action Board
- Homeless Youth
- Coordinated Entry System
- Lived Experience Advisory Board

Subcommittees of the CoC will be comprised of at least three (3) Voting Members of the CoC including at least one (1) Governing Board Member or designee. Each Subcommittee 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) Subcommittees unless otherwise waived by the Governing Board.
B. Chair and Co-Chair's of subcommittees will meet at least quarterly for updates to avoid crossover.
C. Be comprised of Voting Members in good standing. Community Partners may attend Subcommittee meetings and participate in discussions, but may not vote or serve as officers of Subcommittees.
D. Following the fall Full Membership meeting, each sub-committee chair will submit a roster of sub-committee members to BKRHC staff for review.
    1. If a majority of voting members from the Governing Board all serve within one sub-committee, that sub-committee will follow full Brown Act procedures for conducting the business and meetings of that sub-committee.
    2. Additions and/or deletions to the subcommittee roster can be made throughout the year by the Subcommittee. Subcommittee Chairs will inform the Collaborative Applicant of changes in the Subcommittee roster.
E. 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. All meetings shall be held in person unless the Governing Board authorizes a Subcommittee to meet virtually.
F. Distribute a written agenda to all Subcommittee members and the Collaborative Applicant at least three (3) business days before the scheduled meeting.
G. Record meeting minutes of each Subcommittee meeting and distribute them to all Subcommittee members and the Collaborative Applicant with the next meeting's agenda.
H. Call meetings during the intervals between the monthly meetings of the Governing Board or at the request of the Governing Board.
I. Report the results of its meetings to the Governing Board at Governing Board meetings.
J. Recommend Governing Board action on matters under the Subcommittee's purview. Recommendations to the Governing Board must be made by a recorded vote of Subcommittee Members.
K. 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. There must be an Advisor & Co-Advisor who will not be able to vote on YAB action items; they are there only to facilitate. The Advisor & Co-Advisor must be from two (2) different Voting Member agencies, no other Voting Members are required. The YAB members are individually exempt from paying annual dues if they are not a part of a dues paying agency, as the YAB members includes homeless/formerly homeless individuals. YAB meetings are closed to the public.

L. The Lived Experience Advisory Board (LEAB) will be comprised of at least three homeless or formerly homeless persons. The LEAB will vote on action items based on majority rule (50%+1) of members. The Advisor & Co-Advisor will not be able to vote on LEAB action items; they are there only to facilitate. The Advisor & Co-Advisor must be from two (2) different CoC Voting Member agencies. The LEAB members are individually exempt from paying annual dues if they are not a part of a dues paying agency, as the LEAB members includes homeless/formerly homeless individuals. LEAB meetings are closed to the public.

M. The Subcommittee Chair will be responsible for timely notification of meetings; will have the authority to call Subcommittee meetings, and will determine who has met eligibility to vote on matters before the Subcommittee. All Subcommittee members will comply with conflict of interest and Subcommittee guidelines. Subcommittee members must attend at least fifty percent (50%) of Subcommittee meetings and not be absent for three (3) consecutive meetings to remain in good standing with the Subcommittee. Subcommittee members failing to meet the attendance standard will be subject to removal and replacement by the Subcommittee.

ARTICLE X. EMPLOYMENT STATUS

10.01 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 XI. RELATIONSHIPS WITH OTHER HUD-FUNDED CONSTITUENCIES

11.01 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 XII. LIMITATIONS

12.01 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 XIII. CODES OF CONDUCT AND CONFLICTS OF INTEREST

13.01 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, 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 Subcommittee 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.
    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 duties and responsibilities Governing Board members.

13.02 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 Governing Board 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/liaisons for representation or presentations to

various groups.

13.03 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 Working Group will be assembled by the Governing Board. This Working Group 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 Working Group 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 Working Group's recommendation.]
B. If requested by a majority of the CoC membership, an Ethics Review Working Group 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.

13.04 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.

13.05 CONFLICTS OF INTEREST AND RECUSAL POLICY

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 subrecipient 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.

13.06 OBLIGATION TO DECLARE POTENTIAL CONFLICT OF INTEREST

Board Members will declare any real or perceived conflicts of interest for anyone, including themselves annually by completing the conflict-of-interest form. 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.