

ORANGE COUNTY  
CONTINUUM OF CARE BOARD  
Wednesday, October 27, 2021  
2 p.m. – 4 p.m.

**Webinar:**  
<https://ocgov.webex.com/ocgov/j.php?MTID=m78381b0705d5cda70df63e3c20e22480>

**Dial by Phone:**  
**+1 (213) 306-3065**

**Access Code:**  
**177 169 0705**

## AGENDA

### Board Members

Jeanne Awrey, OC Dept. of Education  
Matt Bates, City Net  
Judson Brown, City of Santa Ana  
Natalie Bui, Veteran Affairs CRRC  
Donald Dermit, The Rock Church  
Becks Heyhoe, OC United Way [Secretary]  
Tim Houchen, Hope4Restoration  
Patti Long, Mercy House

Dawn Price, Friendship Shelter  
Albert Ramirez, City of Anaheim  
Maricela Rios-Faust, Human Options [Vice Chair]  
Soledad Rivera, Families Together of OC  
George Searcy, Jamboree Housing  
Tim Shaw, Individual [Chair]  
Christina Weckerly Ramirez, Health Care Agency

Call to Order – Tim Shaw, Chair

Board Member Roll Call – Becks Heyhoe, Secretary

Public Comments: Members of the public may address the Continuum of Care (CoC) Board on items listed within this agenda or matters not appearing on the agenda so long as the subject matter is within the jurisdiction of the CoC Board. Members of the public may address the CoC Board with public comments on agenda items in the business calendar after the CoC Board member discussion. Comments will be limited to three minutes. If there are more than five public speakers, this time will be reduced to two minutes.

To address the CoC Board, members of the public are to enter their name and agenda item number in the WebEx chat box to be placed in a queue. CoC Board staff will call your name in the order listed in the chat box.

### CONSENT CALENDAR

*All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. The CoC Board requests that only pertinent information be discussed during this time.*

1. Approve Continuum of Care Board Meeting Minutes from September 29, 2021.

## BUSINESS CALENDAR

1. **Domestic Violence Awareness Month**
  - a. **Presentation on the Intersection of Homelessness and Domestic Violence** – Sara Behmerwohld, Human Options
2. **Orange County System of Care Update** – Doug Becht, Acting Director, Office of Care Coordination
3. **Orange County Continuum of Care (CoC) Update** – Zulima Lundy, CoC Manager
4. **Emergency Housing Voucher Update** – Zulima Lundy, CoC Manager and Public Housing Authorities
5. **FY2021 CoC Program Notice of Funding Opportunity (NOFO)** – Zulima Lundy, CoC Manager and CoC NOFO Ad Hoc
  - a. Approve the selection of the proposals submitted in response to the CoC Bonus and Reallocation Request for Proposals (RFP) as recommended by the RFP Review Panel for inclusion in the Orange County CoC Program NOFO collaborative application and ranking in the following order.
    - i. Families Forward
    - ii. Illumination Foundation
  - b. Approve the selection of the proposals submitted in response to the Domestic Violence Bonus RFP as recommended by the RFP Review Panel for inclusion in the Orange County CoC Program NOFO collaborative application and ranking in the following order.
    - i. Human Options
    - ii. Interval House
  - c. Approve the reallocation of funding for the CoC Renewal Project(s) for the FY 2021 CoC Program NOFO.
    - i. 1736 Family Crisis Center – \$414,065
  - d. Approve the CoC NOFO Ad Hoc recommendation to utilize the reallocation funding to expand the highest scoring Permanent Supportive Housing Renewal Project(s).
  - e. Approve the CoC Project Ranking and Tiering order as recommended by the CoC NOFO Ad Hoc to be included in the FY 2021 CoC Program Priority Listing.
6. **Policies, Procedures and Standards (PPS) Committee Update** – Zulima Lundy, CoC Manager
  - a. Approve the PPS Committee recommendation to adopt an Anti-Discrimination Policy for the Orange County CoC in accordance with guidance from the U.S. Department of Housing and Urban Development.
  - b. Approve the recommended changes to the sections of the Orange County CoC Governance Charter related to the CoC Board Membership Composition and Election Process as proposed by the CoC Nominating and recommended by PPS Committees.
7. **OC Housing Finance Trust Advisory Board** – Zulima Lundy, CoC Manager and Adam Eliason, OC Finance Trust
  - a. Appoint a CoC Board Member to the Orange County Housing Finance Trust Advisory Board to advise the OC Housing Finance Trust Board of Directors.
8. **Hunger and Homelessness Awareness Week** – Becks Heyhoe, OC United Way

**Next Meeting:** Wednesday, November 17, 2021, from 2 p.m. to 4 p.m.

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**2454 749 5148**

## MINUTES

### Board Members

Jeanne Awrey, OC Dept. of Education

Matt Bates, City Net

Judson Brown, City of Santa Ana

Natalie Bui, Veteran Affairs CRRC

Donald Dermit, The Rock Church

Becks Heyhoe, OC United Way [Secretary]

Tim Houchen, Hope4Restoration

Patti Long, Mercy House

Dawn Price, Friendship Shelter

Albert Ramirez, City of Anaheim

Maricela Rios-Faust, Human Options [Vice Chair]

Soledad Rivera, Families Together of OC

George Searcy, Jamboree Housing

Tim Shaw, Individual [Chair]

Christina Weckerly Ramirez, Health Care Agency

Call to Order – Tim Shaw, Chair

Vice Chair Maricela Rios-Faust called the meeting to order at 2:04 p.m.

Board Member Roll Call – Becks Heyhoe, Secretary

Present: Matt Bates, Natalie Bui, Judson Brown, Donald Dermit, Becks Heyhoe, Tim Houchen, Patti Long, Dawn Price, Albert Ramirez, Maricela Rios-Faust, Soledad Rivera, Tim Shaw, and Christina Weckerly-Ramirez.

Absent Excused: Jeanne Awrey and George Searcy

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- Maura Mikulek shared that she is an advocate in South Orange County and commented on the referral process for housing. Maura Mikulek noted that some clients should not be referred to rapid rehousing opportunities when they have conditions or circumstances that prevent them from being successful in the program.
- Curt Johnson commented on the safe parking program that once existed in the City of Fullerton. Curt Johnson advocated for a similar program or an outdoor camping program.
- Callie Rutter commented on the eviction moratorium and recommended developing a plan to prevent people from losing their homes.

### **CONSENT CALENDAR**

*All matters are approved by one motion unless pulled by a Board Member for discussion or separate action. The CoC Board requests that only pertinent information be discussed during this time.*

1. **Approve Continuum of Care Board Meeting Minutes from August 25, 2021.**
2. **Approve Continuum of Care Board Special Meeting Minutes from September 2, 2021.**

Donald Demit motioned to approve the items on the Consent Calendar. Dawn Price seconded the motion. Becks Heyhoe abstained. The remainder of the CoC Board Members voted Yes.

### **BUSINESS CALENDAR**

1. **Homeless Outreach and Proactive Engagement (HOPE) Center Presentation** – Soo Kang, North Orange County Safety Task Force, and Kellee Fritzal, City of Fullerton

Soo Kang from the North Orange County Safety Task Force and Kellee Fritzal from the City of Fullerton presented on the history of the North Orange Safety Task Force and the Homeless Outreach and Proactive Engagement (HOPE) Center. The presentation can be found on slides 3 to 13:

<https://www.ochealthinfo.com/sites/hca/files/2021-10/September%202021%20CoC%20Meeting%20Presentation%20-%20final%20consolidated.pdf>

Public Comments:

- Callie Rutter commented on homeless outreach and asked a question about the HOPE Center.
  - Susan Price asked if the HOPE Center is seeking funds from the CoC and noted that the regional coordination of cities is one of the most successful and appropriate initiatives to address homelessness. Susan Price asked the CoC to consider supporting similar types of initiatives in the Central and South Service Planning Areas.
2. **Orange County System of Care Update** – Doug Becht, Acting Director, Office of Care Coordination
    - **Project Roomkey** – The County of Orange continues to operate temporary isolation shelters for individuals experiencing homelessness who are COVID-19 sick or symptomatic. Project Roomkey has expanded its capacity to also serve families experiencing homelessness who are COVID-19 sick or symptomatic.
    - **COVID-19 Vaccination Efforts** – The Office of Care Coordination is working with Public Health Services and two Federally Qualified Health Centers (FQHC) on vaccination efforts for those experiencing homelessness. The FQHCs are Families Together of Orange County in Tustin and Share Our Selves in Costa Mesa.

- **State of California’s Emergency Rental Assistance (ERA) Program** – The State of California’s ERA Program is referred to as CA COVID-19 Rent Relief or Housing is Key. Orange County tenants with rental arrears and/or past due utility bills are encouraged to apply for assistance.
- **Housing and Disability Advocacy Program (HDAP)** – On September 13, 2021, the State of California, Department of Social Services (CDSS) released an All-County Welfare Director Letter to notify counties of HDAP funding available for FY 2021-22. The County of Orange will be receiving a noncompetitive allocation amount of \$7,659,238, available for the expenditure period of July 1, 2021, to June 30, 2024. HDAP provides supportive services, assistance with increasing income through disability benefits application assistance and housing opportunities to individuals experiencing homelessness. The County of Orange contracts with three service providers – City Net, Friendship Shelter, and Mercy House Living Centers.

### 3. Orange County Continuum of Care (CoC) Update – Zulima Lundy, CoC Manager

- **Ad Hoc and Working Group Update** – Zulima Lundy shared an update on the going work with the HMIS Policies and Procedures Review Working Group, the HMIS Access Working Group, the CoC Nominating Committee, and the CoC Vision Ad Hoc.
- **U.S. Department of Housing and Urban Development (HUD) Veterans Affairs Supportive Housing (VASH) Eligibility** – Under the HUD VASH Program, veterans can receive a housing choice voucher plus case management and supportive services from the U.S. Department of Veterans Affairs (VA). Veterans pay rents that are affordable to their households’ income with the local public housing authorities helping to pay the remainder. Eligibility into the program includes those experiencing homelessness, honorable discharge status, general discharge, other than honorable discharge, or bad conduct discharge, meet income qualifications, and participating in mandatory case management and supportive services.
- **Training Opportunity: HUD’s Equal Access Rules** – The Office of Care Coordination will be hosting a training on the Equal Access Final Rule and Gender Identity Final Rule established by HUD on September 30, 2021, at 3 p.m.
- **Training Opportunity: Best practices for Serving LGBTQ+ Persons** – The Office of Care Coordination and the Orange County CoC are hosting a training on best practices for serving LGBTQ+ persons on October 15, 2021 at 10 a.m.
- **2021-22 Homeless Youth Emergency Services and Housing (YE) Program Request for Proposal** - The YE Program establishes or expands access to a range of housing options that meet the needs of youth experiencing homelessness. It also provides crisis intervention and stabilization services so that the immediate crises these youth face can be resolved, and they can focus on their futures. The RFP can be accessed via the CalOES website:  
<https://www.caloes.ca.gov/GrantsManagementSite/Documents/YE21%20RFP.pdf>
- **U.S. Interagency Council on Homelessness (USICH) Federal Strategic Plan** - USICH is in the process of creating a new Federal Strategic Plan and invites feedback from anyone, particularly people who have experienced homelessness; people who serve the LGBT (lesbian, gay, bisexual and transgender), BIPOC (Black, Indigenous, and People of Color), or veteran communities; and people whose work involves the justice system. Please visit the USICH website to complete the survey:  
<https://www.usich.gov/fsp>

- **House America: An All-Hands-on-Deck Effort to Address the Nation’s Homelessness Crisis** - House America is a federal initiative in which HUD and USICH are inviting mayors, city and county leaders, tribal nation leaders, and governors into a national partnership. To learn more about House America, to join the initiative, or to view a list of House America participants, visit: [https://www.hud.gov/house\\_america](https://www.hud.gov/house_america)

**4. FY2021 CoC Program Notice of Funding Opportunity (NOFO) – Zulima Lundy, CoC Manager, and CoC NOFO Ad Hoc**

Zulima Lundy shared the background and analysis for the FY2021 Project Performance Measures and Thresholds and FY2021 Rating and Ranking Criteria. Zulima Lundy noted that the CoC NOFO Ad Hoc met to review and discuss the Project Performance Measures and Thresholds and Rating and Ranking Criteria on four occasions, including a feedback gathering session with the Executive Directors of the CoC-funded agencies. These discussions included a review of the recommended performance measures, related thresholds and point values assigned to these measures. During this process, 2-1-1 Orange County (211OC) discovered a discrepancy in the data which was corrected and the agencies with renewal projects and CoC NOFO Ad Hoc were notified appropriately. Zulima Lundy shared the FY2021 Rating and Ranking Criteria that provides a detailed overview of scoring criteria, description, calculated measures, and the maximum points available per criteria. The Office of Care Coordination as the Collaborative Applicant will prepopulate the scores from the Agency Administrative Review, Project Performance Measures, and unspent funds. The remainder of the criteria, such as CES participation, housing first/low-barrier implementation and project effectiveness, will be scored by the CoC NOFO Ad Hoc.

The Orange County CoC and the Office of Care Coordination are seeking proposals from qualified organizations in response to the two Request for Proposals (RFP) to identify new projects for inclusion in the the FY2021 CoC Program NOFO. As such, establishing RFP Review Panels to review and recommend proposals submitted in response to the Domestic Violence (DV) Bonus and CoC Bonus and Reallocation Funding RFPs will support the Orange County CoC in submitting applications that could bring additional housing resources to Orange County.

- Recommended Action: Approve the Project Performance Measures and Thresholds for the FY2021 CoC Program NOFO Tim Houchen motioned to approve the recommendation. Vice Chair Maricela Rios-Faust seconded the motion. The motion passed by unanimous consent.
- Recommended Action: Approve the FY2021 Rating and Ranking Criteria for the FY2021 CoC Program NOFO. Donald Dermit motioned to approve the recommendation. Tim Houchen seconded the motion. The motion passed by unanimous consent.
- Recommended Action: Establish Request for Proposal (RFP) Review Panels to review and recommend the DV and CoC Bonus and Reallocation Funding RFPs for the FY2021 CoC Program NOFO. Tim Houchen motioned to approve the recommendation. Matt Bates seconded the motion. The motion passed by unanimous consent.

**5. 2022 Point in Time Recommendation – Zulima Lundy, CoC Manager**

Zulima Lundy provided an overview of HUD’s recommendation on conducting a Point in Time Count in 2022 and benefits of the Point in Time Count. Zulima Lundy provided an overview of the recommendation to conduct a 2022 Point In Time Count, including methodology, the plan to conduct a Transitional Aged Youth (TAY) focused count, who will be involved, and a timeline of activities.

Recommended Action: Recommend the Office of Care Coordination, as the CoC Administrative Entity, conduct a 2022 Point in Time Count of sheltered and unsheltered persons experiencing homelessness in Orange County, and establish a 2022 Point In Time Count Planning Committee in partnership with City Net and Covenant House California.

Becks Heyhoe motioned to approve the recommendation. Donald Dermit seconded the recommendation. Matt Bates abstained. The remainder of the CoC Board Members voted Yes. The motion passed.

Public Comments:

- Tami Di Paolo from Orangewood Foundation shared that she is in favor of a 2022 Point in Time Count. Tami De Paolo also noted that in past counts, the TAY population has been underrepresented and is excited to hear that there will be a focus for the TAY population this year.

**6. Emergency Housing Voucher (EHV) Update** – Zulima Lundy, CoC Manager and Doug Becht, Acting Director

- a. Zulima Lundy shared that 100 percent of initial matches have been made for the EHV in partnership with the Public Housing Authorities (PHA) and are now working through the referral process. Albert Ramirez from the Anaheim Housing Authority (AHA) shared that AHA has 278 vouchers and they have 262 households working through various steps of the application and voucher issuance process. AHA is utilizing their Emergency Solutions Grant-Corona Virus (ESG-CV) funding to provide services to clients. Judson Brown from the Santa Ana Housing Authority thanked the CES team for the referrals and matches. Zulima Lundy on behalf of the Orange County Housing Authority noted that 52 vouchers have been issued to date. The 52 households are being supported with a combination of housing services. The Garden Grove Housing Authority will be invited to speak at the next CoC Board meeting.

**7. Commission to End Homelessness Update** – Matt Bates, Commission to End Homelessness Commission Member

- a. Matt Bates provided an update on the Commission to End Homelessness (Commission). The Commission has created an ad hoc to provide recommendations on changes to the By Laws and structure. The By-Laws have been updated and approved by the Commission. The Commission hopes to invite CoC Board members to share updates about the CoC to the Commission members. The Commission hopes to strengthen the ties between the Commission and the CoC Board.

**8. CoC Committee Updates**

- a. Lived Experience Advisory Committee – Tim Houchen, Committee Chair
  - i. Tim Houchen shared that the committee is meeting monthly and is working to finalize the governance charter and has been providing input to United to End Homelessness on their campaign for Hunger and Homelessness Awareness week
- b. TAY Committee – Becks Heyhoe, Secretary and Committee Chair
  - i. Becks Heyhoe shared that the last two meetings have been helpful to formally establish ongoing committee meetings. The TAY Committee is working on developing a strategy to apply for HUD’s Youth Homeless Demonstration Program funding and have been doing a lot of information gathering for the grant application process. The TAY Committee looks forward to developing a Youth Action Board comprised of Youth with current or past experience of homelessness or housing instability.
- c. Housing Opportunities Committee – Judson Brown, Committee Chair

- i. The Housing Opportunities Committee met on August 13, 2021, and discussed the Emergency Housing Voucher, tenant-based housing, project-based housing, and Coordinated Entry updates. The next meeting is scheduled for October 8, 2021.
- d. Coordinated Entry System Committee – Natalie Bui, Committee Chair
  - i. The Coordinated Entry System Committee reconvened July 2021. The next meeting is scheduled for November 4, 2021. An ad hoc has been established to review governance charter and committee membership.

**Next Meeting:** Wednesday, October 27, 2021, from 2 p.m. to 4 p.m.



**Date:** October 27, 2021

**Subject:** FY2021 Continuum of Care (CoC) Program Notice of Funding Opportunity (NOFO)

**Recommended Actions:**

- a. Approve the selection of the proposals submitted in response to the CoC Bonus and Reallocation Request for Proposals (RFP) as recommended by the RFP Review Panel for inclusion in the Orange County CoC Program NOFO collaborative application and ranking in the following order.
  - i. Families Forward
  - ii. Illumination Foundation
- b. Approve the selection of the proposals submitted in response to the Domestic Violence Bonus RFP as recommended by the RFP Review Panel for inclusion in the Orange County CoC Program NOFO collaborative application and ranking in the following order.
  - i. Human Options
  - ii. Interval House
- c. Approve the reallocation of funding for the CoC Renewal Project(s) for the FY 2021 CoC Program NOFO.
  - i. 1736 Family Crisis Center – \$414,065
- d. Approve the CoC NOFO Ad Hoc recommendation to utilize the reallocation funding to expand the highest scoring Permanent Supportive Housing Renewal Project(s).
- e. Approve the CoC Project Ranking and Tiering order as recommended by the CoC NOFO Ad Hoc to be included in the FY 2021 CoC Program Priority Listing.

**Background and Analysis**

**Selection of Proposals in response to CoC Bonus and Reallocation RFP**

The Orange County CoC is eligible to apply for \$1,411,587 587 in CoC Bonus Funding and additional funding may be made available at a later date through the reallocation process. The CoC Bonus and Reallocation Proposal Projects can serve persons experiencing homelessness, including those experiencing sheltered and unsheltered homelessness, and persons fleeing domestic violence situations and other persons meeting the criteria of paragraph 4 of the HUD definition of homeless. Eligible project types include Rapid Rehousing and Permanent Supportive Housing.

During the September 29, 2021, meeting, the Orange County CoC Board approved the recommendation to establish an RFP Review Panels to review and recommend proposals submitted in response to the CoC Bonus and Reallocation Funding RFP for the FY2021 CoC Program NOFO. The Office of Care Coordination worked to identify individuals with a deep knowledge and understanding of the CoC and the homeless service system to support with this process. The RFP Review Panel was comprised of three members – Karl Calhoun, Director of Enterprise Development from Volunteers of America; Tescia Uribe, Chief Program Officer from PATH; and Melanie McQueen, Care Coordination Manger from the OC Health Care Agency.

The members of the RFP Review Panel reviewed the two proposals as submitted by Families Forward and Illumination Foundation independently based on the scoring criteria as outlined in the RFP. The RFP Review Panel participated in a consensus meeting to discuss the proposals at length, provide feedback on areas for improvement and highlight the unique strengths. The Office of Care Coordination, as the Collaborative Applicant, will work with the agencies to update their proposal accordingly to ensure the most competitive new project applications are included in the collaborative application to HUD.

The RFP Review Panel recommended both projects for inclusion in the Orange County CoC Program Collaborative Application, as neither requested the maximum amount available under the CoC Bonus. The RFP Review Panel ranked the proposal by Families Forward first and the proposal by Illumination Foundation second.

#### [Selection of Proposals in response to DV Bonus RFP](#)

The Orange County CoC is eligible to apply for \$2,736,456 in the DV Bonus. The DV Bonus Projects must be dedicated to survivors of domestic violence, dating violence, sexual assault, or stalking that meet the definition of homeless, as defined in 24 CFR 578.3. Eligible project types include Rapid Rehousing and Joint Transitional Housing and Permanent Housing - Rapid Rehousing.

During the September 29, 2021, meeting, the Orange County CoC Board approved the recommendation to establish an RFP Review Panels to review and recommend proposals submitted in response to the DV Bonus RFP for the FY2021 CoC Program NOFO. The Office of Care Coordination worked to identify individuals with a deep knowledge and understanding of the CoC and the homeless service system to support with this process. The RFP Review Panel was comprised of three members – Amy Arambulo, Director of Community Programs from 2-1-1 Orange County; Dr. Shauntina Sorrells, Chief Program Officer from Orangewood Foundation; and Callie Rutter, member of the Lived Experience Advisory Committee.

The members of the RFP Review Panel reviewed the two proposals as submitted by Human Options and Interval House independently based on the scoring criteria as outlined in the RFP. The RFP Review Panel participated in a consensus meeting to discuss the proposals at length, provide feedback on areas for improvement and highlight the unique strengths. The Office of Care Coordination, as the Collaborative Applicant, will work with the agencies to update their proposal accordingly to ensure the most competitive new project applications are included in the collaborative application to HUD.

The RFP Review Panel recommended both projects for inclusion in the Orange County CoC Program Collaborative Application, as neither requested the maximum amount available under the DV Bonus. The RFP Review Panel ranked the proposal by Human Options first and the proposal by Interval House second.

#### [CoC Renewal Project Funding Reallocation](#)

The CoC NOFO Ad Hoc is recommending the reallocation of 1736 Family Crisis Center's (1736FCC) renewal project named Rapid Rehousing for Homeless Veterans. The CoC NOFO Ad Hoc does not come to this recommendation lightly and has taken into account the various components of the FY 2021 Rating and Ranking Criteria, specifically the project performance measures and thresholds.

An analysis of the project performance measures and thresholds found that 1736FCC's renewal project has had a project performance score of approximately 50 percent of available points during the last three

calendar years. This low project performance does not support the Orange County CoC's System performance which is one of HUD's homeless policy priorities and program highlights as detailed in the FY2021 CoC Program NOFO.

Additionally, 1736FCC's renewal project has a history of underspending the grant. This has resulted in over \$220,000 being recaptured by HUD for the last three grants that have closed out.

Approval to reallocate 1736FCC's renewal project named Rapid Rehousing for Homeless Veterans as recommended by the CoC NOFO Ad Hoc will support the Orange County CoC's goal of having high-performing projects that best address the needs of those experiencing homelessness.

#### [Reallocation Funding to Expand Highest Scoring Permanent Supportive Housing](#)

The CoC NOFO recommended that the reallocation funding be utilized to create an expansion grant for the highest performing permanent supportive housing programs. This recommendation will support the Orange County CoC in developing additional capacity to serve individuals experiencing chronic homelessness with the highest vulnerabilities and service needs.

The Office of Care Coordination, as the Collaborative Applicant, will be in communication with the agencies with the highest scoring permanent supportive housing renewal projects to explore this possibility and/or option, taking into consideration the agency's capacity and project.

#### [FY2021 CoC Program Priority Listing](#)

Utilizing the 2019 NOFA Rating and Ranking Criteria as a starting point, the CoC NOFO Ad Hoc and the Office of Care Coordination, as the CoC Collaborative Applicant, developed an updated FY2021 Rating and Ranking Criteria for the FY2021 CoC Program NOFO to evaluate CoC renewal projects. The FY2021 Rating and Ranking Criteria has been improved and is based on the FY2021 CoC Program NOFO, including the U.S. Department and Housing Development (HUD) and local priorities.

During the September 29, 2021 meeting, the Orange County CoC approved the FY2021 Rating and Ranking Criteria as recommended by the CoC NOFO Ad Hoc. The Collaborative Applicant prepopulated the scores from the Agency Administrative Review, Project Performance Measures, and unspent funds. The remainder of the criteria, such as CES participation, housing first/low-barrier implementation and project effectiveness, was scored by the CoC NOFO Ad Hoc as part of the annual CoC grant application process.

As the CoC NOFO Ad Hoc rated and ranked the CoC Renewal projects, it became evident that there was a need to establish tie breaker criteria to further support of the ranking and tiering process when two renewal projects had the same scores. As such, the CoC NOFO Ad Hoc adopted the following tie breaker criteria for this process:

1. Unit utilization for permanent supportive housing renewal projects
2. Days until permanent housing placement for rapid rehousing renewal projects

The CoC NOFO Ad Hoc considered the following items in the ranking and tiering process:

- Rating and Ranking Criteria Score
- Project type
- Competitiveness of CoC Bonus Funding Applications and DV Bonus Funding Applications
- Strategy to maximize available funding in the DV Bonus and CoC Bonus opportunities.

Attachment A is the FY2021 CoC Program Priority Listing as recommended by the CoC NOFO Ad Hoc and details the ranking and tiering of renewal projects, reallocation funding, and CoC Bonus and DV Bonus projects for inclusion in the Orange County CoC Program Application. Approval of the recommended action will support the Orange County CoC in fulfilling the requirements of the FY2021 CoC Program NOFO.

## **Attachments**

Attachment A – FY2021 CoC Program Priority Listing

## Orange County Continuum of Care FY2021 Priority Listings

Total Annual Renewal Amount: \$28,231,737

CoC Bonus: \$1,411,587

Tier 1: \$28,231,737

DV Bonus: \$2,736,456

Tier 2: \$4,148,043

CoC Planning: \$846,952

Project Ranking	Applicant Name	Project Name	Project Component	Total ARA	Score
1	Orange County Housing Authority	#3 Consolidated Continuum of Care TRA 2019 Renewal Project	PSH	\$ 2,944,957	100%
2	Anaheim Supportive Housing, Inc.	Tyrol Plaza Senior Apartments	PSH	\$ 160,752	100%
3	Interval House	Rapid Rehousing Program	RRH	\$ 231,195	100%
4	Orange County Housing Authority	#4 Consolidated Continuum of Care TRA 2019 Renewal Project	PSH	\$ 2,296,806	98%
5	Serving People In Need, Inc.	CoC Rapid Re-housing 2019	RRH	\$ 629,522	97%
6	Mercy House Living Centers	Mills End and PSH Leasing Consolidation	PSH	\$ 574,790	96%
7	Mercy House Living Centers	OC PSH Collaboration Project	PSH	\$ 3,297,341	94%
8	Friendship Shelter, Inc.	Henderson House Permanent Supportive Housing	PSH	\$ 632,877	94%
9	Illumination Foundation	Street2Home OC Expansion	PSH	\$ 1,956,881	94%
10	Interval House	Domestic Violence Transitional Housing- Rapid Rehousing Program	Joint TH-RRH	\$ 934,679	94%
11	Orange County Housing Authority	#1 Consolidated Shelter Plus Care TRA 2019 Renewal Project	PSH	\$ 4,451,459	93%
12	Illumination Foundation	Stanton Multi-Service Center	PSH	\$ 472,533	93%
13	American Family Housing	Permanent Housing 2	PSH	\$ 593,107	93%
14	Mercy House Living Centers	Mercy House -CoC Leasing - Renewal	PSH	\$ 539,006	92%
15	Mercy House Living Centers	OC PSH Collaboration Project II - Expansion	PSH	\$ 2,298,858	90%
16	Mercy House Living Centers	Aqua PSH	PSH	\$ 292,976	90%
17	American Family Housing	Permanent Housing Collaborative	PSH	\$ 384,629	90%
18	Orange County Housing Authority	#2 Consolidated Continuum of Care TRA 2019 Renewal Project	PSH	\$ 1,930,508	87%
19	Orange County Housing Authority	Jackson Aisle Shelter Plus Care PRA 2019 Renewal Project	PSH	\$ 389,050	87%
20	Fullerton Interfaith Emergency Service	Rapid Re-Housing for Families	RRH	\$ 344,195	85%
21	Families Forward	Families Forward Rapid Re-Housing Expansion	RRH	\$ 579,737	85%
22	County of Orange	Coordinated Entry System SSO Grant NOFA 2019 Combined	SSO	\$ 1,231,239	
23	People for Irvine Community Health dba 2-1-1 Orange County	HMIS Consolidated Community Support NOFA 2019	HMIS	\$ 650,575	
24	Agency	Reallocation Project	PSH	\$ 414,065	
			<b>Tier 1 Total</b>	<b>\$ 28,231,737</b>	
25	Human Options	DV Bonus Project	Joint TH-RRH	\$ 752,429	
26	Families Forward	Rapid Rehousing for Veteran Families	RRH	\$ 367,569	
27	Interval House	Domestic Violence TH- RRH Program Expansion	Joint TH-RRH	\$ 500,000	
28	Illumination Foundation	Housing 4Health	PSH	\$ 558,621	
			<b>Tier 2 Total</b>	<b>\$ 2,178,619</b>	
				\$ 30,410,356	

**Date:** October 27, 2021

**Subject:** Policy, Procedures and Standards (PPS) Committee Update

**Recommended Actions:**

- a. Approve the PPS Committee recommendation to adopt an Anti-Discrimination Policy for the Orange County CoC in accordance with guidance from the U.S. Department of Housing and Urban Development (HUD).
- b. Approve the recommended changes to the sections of the Orange County CoC Governance Charter related to the CoC Board Membership Composition and Election Process as proposed by the CoC Nominating and recommended by PPS Committees.

**Background and Analysis**

During the PPS Committee held on Tuesday, October 12, 2021, the PPS Committee took action to recommend two items to the Orange County CoC for approval and implementation.

[Anti-Discrimination Policy for the Orange County CoC](#)

The Orange County CoC is committed to providing housing and services in an environment in which all individuals are treated with respect and dignity and have equal treatment, and equal opportunity for housing and services. As such, the attached Anti-Discrimination Policy (Attachment A) is being recommended by the PPS Committee to the Orange County CoC Board for adoption.

Adoption of the Anti-Discrimination Policy will support the Orange County CoC in ensuring all people experiencing homelessness have equal access to the housing and services necessary to end their homelessness. Additionally, it would support the CoC in complying with federal nondiscrimination and equal opportunity provisions, as codified in the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, Titles II & III of the Americans with Disabilities Act, HUD's Equal Access to Housing Rule and Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b).

The PPS Committee requested that the Office of Care Coordination, as the Collaborative Applicant for the Orange County CoC, review all applicable laws and regulations for the State of California related to anti-discrimination, equal access, and fair housing and make any necessary updates to the Anti-Discrimination Policy. The Office of Care Coordination committed to bringing an updated policy to the PPS Committee for review and feedback in the near future.

[Continuum of Care \(CoC\) Board Membership Composition and Election Process Recommendation](#)

During the July 2021 meeting of the Orange County CoC Board, the CoC Board appointed the membership of the Nominating Committee. The Nominating Committee is comprised of Patti Long, Elizabeth Andrade, David Gillanders, LeVal Brewer, and Barry Ross. The Nominating Committee was tasked with reviewing the CoC Board membership composition and election process as detailed in the Governance Chart and

providing recommendations to best enhance the composition of the CoC Board and improve the election process.

The Nominating Committee met on three occasions and had robust discussion regarding the need for a well-balanced perspective and broad representation of stakeholders address homelessness with expertise and/or experience in certain focused areas. The Nominating Committee reviewed the relevant sections of the Governance Charter in detail and are recommending the proposed redlines as detailed in Attachment B.

The following is a brief summary of the proposed changes:

- Increased the number of at-large CoC member seats from nine to eleven for a total of 17 seats in the CoC Board.
- Designated specific areas of experience/expertise for nine of the at-large seats
- Added language to highlight the need for a well-balanced perspective and representation of persons of difference races, ethnicity and backgrounds.
- Further detailed the role of the Nominating Committee through the election process.
- Clarified the role of the CoC General Membership in regard to the election process.
- Updated the timeline for the nominating and election process

The PPS Committee received a presentation on the proposed change and had an opportunity to hear from the Nominating Committee. The PPS Committee approved the recommended changes as proposed by the Nominating Committee and recommended that the language around the two at-large seats be updated to be more welcoming of other organization and background types to apply.

Approval of the recommended action will support the Orange County CoC in updating the CoC Board membership composition and election process. Additionally, it will provide direction to the Office of Care Coordination, as the Collaborative Applicant for the Orange County CoC, and the Nominating Committee to begin the recruitment of interested candidates.

## **Attachments**

Attachment A – Orange County CoC Anti-Discrimination Policy

Attachment B – CoC Board Membership Composition and Election Process – Redline Version

Attachment C – CoC Board Membership Composition and Election Process – Clean Version

Attachment D – Orange County CoC Governance Chapter Updated as of October 22, 2021.

# Orange County Continuum of Care Anti-Discrimination Policy

## Overview

The Orange County Continuum of Care (CoC) is committed to providing housing and services in an environment in which all individuals are treated with respect and dignity, have equal treatment, and have equal opportunity for housing and services. The CoC's Anti-Discrimination Policy shall ensure all people experiencing homelessness have equal access to the housing and services necessary to end their homelessness.

The CoC's Anti-Discrimination Policies and Procedures apply to staff, volunteers, and contractors at all partner agencies, including all organizations and subrecipients that receive CoC funding from the U.S. Department of Housing and Urban Development (HUD). The CoC strongly encourage all CoC partners, regardless of funding source, to adopt Anti-Discrimination and Equal Access policies and procedures.

All agencies receiving CoC funds must manage their respective housing and service programs in accordance with federal nondiscrimination and equal opportunity provisions, as codified in the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, Titles II & III of the Americans with Disabilities Act, HUD's Equal Access to Housing Rule and Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b). This includes establishing an Organizational Anti-Discrimination Policy and grievance procedures, and sharing all policy and procedures with participants, staff, volunteers, subrecipients, and contractors.

CoC-funded providers shall not discriminate against individuals or families on the basis of any protected characteristics, including race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ (lesbian, gay, bisexual, transgender, queer/questioning, etc.) status, marital status, domestic or sexual violence victim status, or sensory, mental, or physical disability.

The CoC's policies and procedures aim to ensure safety, dignity, and well-being of all individuals and families served by the CoC and all partner agencies. The following policies, procedures and corresponding documents include:

1. Anti-Discrimination Policy and Procedures (page 2)
2. Equal Access Policy and Procedures (page 3)
3. Family Separation Policy (page 4)
4. Faith-Based Inclusion Policy (page 5)
5. Grievance and Anti-Retaliation Policy and Procedures (page 5)
6. Appendix I: Agency Anti-Discrimination Policy Checklist (page 6)
7. Appendix II: References (page 7)



## Orange County Continuum of Care Anti-Discrimination Policy

### Anti-Discrimination Policy and Procedures

To ensure anti-discrimination policies for protected classes are in place and adhered to, the respective parties agree to providing the best welcoming, affirming, and safe housing and services provision possible.

The CoC shall:

1. Provide training and technical assistance to agencies regarding Anti-Discrimination and the Equal Access Rule related requirements, at least annually.
2. Use appropriate and inclusive language in communications, publications, trainings, personnel handbooks, and other policy documents that affirms the CoC's commitment to serving all eligible participants in adherence with the Anti-Discrimination laws and the HUD Equal Access Rule.
3. Ensure that communications and resources pertaining to housing and services are accessible to individuals with disabilities.
4. Continue to develop partnerships with organizations that can offer expertise regarding anti-discrimination to ensure gaining subject matter expertise, and best practices.
5. Support all participants in understanding their privacy rights and the implications of releasing information.

Providers Shall:

1. Make housing available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
2. Will not restrict access to available housing and services available to otherwise eligible persons based on race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, gender identity, marital status, domestic or sexual violence victim status, or sensory, mental, or physical disability.
3. Provide housing and services in accordance with a participant's gender identity, determine eligibility without regard to actual or perceived sexual orientation, gender identity, or marital status, and will serve all persons regardless of actual or perceived barriers to services.
4. Include policies and procedures in employee handbooks and training that prohibit discrimination and provide guidance to staff to ensure equal access to all groups to receive the organization's services.
5. Ensure staff, volunteers, and subrecipients are trained in the Equal Access Rule, and understand that an individual may present their gender differently than the way they identify.
6. Provide information and training to contractors, vendors, landlords and ensure that each receive the organization's policies and procedures regarding discrimination and treatment of all persons.
7. Ensure all staff, volunteers, and contractors maintain the confidentiality of a participant's legal name and sex at birth and understand the potential impact that disclosure can have on a participant's progress to self-sufficiency.
8. When possible, ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.
9. Mediate and resolve conflicts between participants in a way that respects participants and treats individuals fairly and equally.
10. Ensure every employee, volunteer, subrecipient, and participant is aware that discrimination will not be tolerated in any CoC-funded programs.

## Orange County Continuum of Care Anti-Discrimination Policy

11. Take immediate action to resolve inappropriate behavior, treatment, harassment, or equal access issues by any person (staff, volunteers, contractors, or participants).
12. Follow the prescribed agency grievance policy as it relates to equal access in CoC programs.
13. Ensure that no individual is denied access to facilities, services, financial aid, or any other benefits based on protected status.
14. Shall not provide services that are different, or are provided in a different form, from that provided to others under the program or activity, unless doing so provides an accommodation based on one of the protected characteristics listed above to preserve the safety, dignity, and well-being of the individual or family being served.
15. Shall not subject any person to segregated or separate treatment in any facility or in any matter or process related to receipt of any service or benefit under the program or activity.
16. Will not restrict in any way access to, or the enjoyment of any advantage, or privilege enjoyed by others in connection with, facilities, services, financial aid, or other benefits under the program or activity.
17. Shall not treat any person differently from others in determining whether the person satisfies any admission, enrollment, eligibility, membership, or other requirement or condition, which individuals must meet to be provided shelter, services, or other benefits provided under the program or activity.
18. Shall not deny meaningful access to persons with limited English proficiency, to include failure to provide translated documents, notice of participant's rights, grievance forms, and other materials vital for program access. In addition, shall not fail to work with language services or an interpreter to assist persons who speak an alternate primary language other than the staff persons and whom may need assistance communicating.

### Equal Access Policy and Procedures

The CoC prohibits all forms of harassment and discrimination of or by participants, employees, visitors, and volunteers, including harassment and discrimination based on actual or perceived gender identity and expression, or based on an individual's association. The CoC will continue to develop partnerships with organizations that can provide expertise around providing services to transgender and gender nonconforming individuals in a manner consistent with federal, state, and local laws.

Agencies, staff, volunteers, and contractors shall affirm commitment to providing equal access for all transgender and gender nonconforming individuals in a manner consistent with the HUD Equal Access Rule and provide services and housing to transgender and gender nonconforming individuals in a manner consistent with the HUD Equal Access Rule.

Transgender and Gender Nonconforming Procedures to maintain equal access, agencies and staff should:

1. Ensure all staff, volunteers, sub-recipients, contractors, or others having access to personally identifying information maintain the confidentiality of an individual's legal name and sex assigned at birth and understand the potential impact that disclosure can have on a participant's progress to self-sufficiency, staff relationships, personal safety, and organizational culture.
2. Ensure that construction or property rehabilitation includes and promotes privacy and safety in sleeping areas, bathrooms, and showers.

## Orange County Continuum of Care Anti-Discrimination Policy

3. Offer individual stalls in congregate bathrooms, urinals/toilets, and shower heads to support participant safety whenever possible.
4. Offer individual gender-neutral bathrooms and gender-neutral shower rooms, where feasible.
5. Not consider an individual or potential participant ineligible because they feel their appearance or behavior does not conform to gender stereotypes and will serve all individuals eligible for the program.
6. Not ask questions or seek information concerning a person's anatomy and only seek the most necessary elements of information regarding a person's medical history for the purpose of providing services.
7. Have a preference to move the participant with a bias (e.g., move the individual who has concerns towards the person who may identify as another religion that is different from theirs). If a participant needs to be moved for harassment and safety concerns the program administrator shall consider moving the harasser and not the harassed.
8. Honor the request of an individual for a private space to complete intake and data collection.
9. Honor the request of an individual for accommodations based on their personal safety and privacy concerns, whenever feasible. An "accommodation" will not be given as a "requirement." This might include a private sleeping area or access to a single-use bathroom if possible.
10. Not require an individual's gender identity or name to match the gender or name listed on an ID or other documents.
11. Assist participants without identification documents in understanding the resources available to obtain said documents.
12. Make available intake materials that allow individuals to indicate their legal name and the name they prefer to be called. All staff and volunteers should use the preferred name and pronouns, even if it is different from a legal name and legal name should be kept private and confidential.
13. Homeless Management Information System (HMIS) participating agencies should enter the participants preferred name.
14. Use the participant's preferred gender and pronoun and support the participant's gender identity.
15. Correct any misinformation or inaccurate conclusions that transgender participants threaten the health or safety of other participants solely based on their nonconforming gender identity/expression during risk-based conversations.
16. Keep participant's transgender or other status confidential, unless the participant gives permission to share this information. Tell only essential staff that will provide services or housing to participant as identified by administrators, regarding a participant's transgender status to ensure equal access and safety.

### Family Separation Policy

In compliance with CoC Program Interim Rule 24 CFR § 578.93 (e); 24 CFR § 578.23 (c)(iii)(iv), involuntary family or household separation is prohibited in CoC-funded projects. Families, households with children under the age of 18, shall not be denied admission or separated when entering housing.

In addition, CoC-funded projects may not deny admission to any household on the basis of:

1. Age and gender of a child under 18.
2. Gender or marital status of a parent or parents.
3. Household composition.

## Orange County Continuum of Care Anti-Discrimination Policy

The CoC will work with providers to ensure placement efforts are coordinated to avoid involuntary family separation. Any person who believes that they or a family member has experienced involuntary family separation may report the issue to CoC staff at the CoC at: [carecoordination@ochca.com](mailto:carecoordination@ochca.com). The CoC will investigate the claim and take remedial action when appropriate.

### Faith-Based Activities Policy

CoC agencies and staff, volunteers, or contractors shall not, in providing program assistance, discriminate against a program participant or prospective participant on the basis of religion or religious belief. In providing services supported in whole or part with federal financial assistance and in outreach activities related to such services. CoC-funded programs shall not discriminate against current or prospective program beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

### Grievance and Anti-Retaliation Policy

Anyone participating in the CoC has the right to file a grievance if they have a complaint about the provision of housing and services. The CoC affirms that people who wish to file a grievance have the right to do so without retaliation from the party accused or any associated representative.

Retaliation includes, but is not limited to: harassment, intimidation, violence, program dismissal, refusing to provide services, use of profane or derogatory language to or in reference to the complainant, or breach of contract.

Grievance Procedures: At intake, orientation or employment, all participants, staff, volunteers, and contractors should be provided the program's Anti-Discrimination Policy and should be informed of the program's grievance process.

1. Anyone can submit a complaint form initially to program administration.
2. Program administration will address the grievance with the provider and the participant, staff, volunteer, or contractor. Staff, contractors, or volunteers involved in the grievance shall not make decisions regarding the grievance. If the grievance is against a program administrator, the agency should have an objective representative body, such as a Board Executive Committee, hear and make decisions about the grievance.
3. If a participant is not satisfied with the outcome or if a participant fears retaliation at the program level, a complaint can be filed with CoC staff at [carecoordination@ochca.com](mailto:carecoordination@ochca.com).
4. If a participant feels they have been discriminated against, they should be advised that they also have the right to file a complaint with the U.S. Department of Housing & Urban Development at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint).

# Orange County Continuum of Care Anti-Discrimination Policy

## Appendix I. Checklist for Agency Anti-Discrimination Policies

Yes	No	Questions	Notes
		Does your agency have an Anti-Discrimination policy?	
		Is there a stated plan to train new staff, volunteers, board members, and contractors to clearly communicate the anti-discrimination policy during the onboarding process?	
		Is annual training regarding anti-discrimination provided for staff, volunteers, and contractors?	
		Does the intake process for participants include providing a copy of the agency's anti-discrimination policy to people presenting for services?	
		Does the policy refer to the U.S. Department of Housing and Urban Development Anti-Discrimination, Equal Access Rule, privacy laws, and all other federal, state, and local non-discrimination laws?	
		Is there a clear statement about non-discrimination due to race, ethnicity, color, national origin, language, ancestry, religion, sex, familial status, age, gender identity, LGBTQ+ status, marital status, domestic or sexual violence victim status, or disability?	
		Is there an equal access policy?	
		If there is an equal access policy, does it include specific procedures for working with transgender and nonconforming persons?	
		Is there a family separation policy?	
		Is there a faith-based activities policy?	
		Are procedures spelled out that demonstrate how the participants, agency, staff, volunteers, and contractors will carry out the agency's anti-discrimination policies?	
		Are there grievance and anti-retaliation policies and procedures?	
		Do participants know how to file a complaint with the CoC and/or HUD?	

## Orange County Continuum of Care Anti-Discrimination Policy

### Appendix II. References

All agencies must manage a responsible and sound operation in accordance with federal and local nondiscrimination and equal opportunity provisions, as codified in:

The Fair Housing Act - [Fair Housing Act](#)

Section 504 of the Rehabilitation Act - [Rehabilitation Act](#)

Title VI of the Civil Rights Act - <https://www.justice.gov/crt/fcs/TitleVI-Overview>

Titles II & III of the Americans with Disabilities Act - [https://www.ada.gov/2010\\_regs.html](https://www.ada.gov/2010_regs.html)

HUD's Equal Access to Housing Rule and Gender Identity Final Rule, 24 CFR 5.100, 5.105(a)(2) and 5.106(b). - <https://www.federalregister.gov/documents/2012/02/03/2012-2343/equal-access-to-housing-in-hud-programs-regardless-of-sexual-orientation-or-gender-identity>

This includes establishing an Agency Anti-Discrimination Policy and grievance procedures and sharing all policy and procedures with participants, staff, volunteers, and contractors.

## Item VI. Attachment B

### Continuum of Care Board Composition

The CoC Board is comprised of ~~fifteen (15)~~ seventeen (17) members elected by the voting General Membership. A quorum consists of ~~eight (8)~~ nine (9) voting members present. The CoC Board shall be comprised of members that provide a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC. Additionally, the CoC Board membership shall include representation of persons of different races, ethnicities and backgrounds.

The CoC Board designations are:

- a. CoC Board Officers
  - i. Chair
  - ii. Vice-Chair
  - iii. Secretary
  
- b. There are six (6) Required categories of CoC Board Members as described by the HEARTH Act. The Orange County CoC Board will have one seat for each category.
  - i. One (1) seat for Homeless / formerly homeless person with current or past lived experience of homelessness
  - ii. One (1) seat for Education / McKinney Vento representative
  - iii. One (1) seat for Veteran or veteran service agency representative
  - iv. One (1) seat for Emergency Solutions Grant (ESG) Program funded agency or recipient agent
  - v. One (1) seat for Public Housing Agency (PHA) representative
  - vi. One (1) seat for Domestic Violence Agency representative
  
- c. There are eleven (11) seats for At-Large CoC Board Members. The At-Large Seats members should be representative of the relevant organizations and subpopulations set forth in the membership section of this Governance Charter.
  - i. The CoC Board will prioritize the following areas of expertise/experience for nine (9) of the At-Large Seats to ensure a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC.
    1. One (1) seat for Behavioral Health background and expertise
    2. One (1) seat for Faith-Based Representation
    3. One (1) seat for Health Care background and expertise
    4. One (1) seat for affordable housing development background and expertise
    5. Five (5) seats for expertise on homeless services and/or subpopulation focus
      - a) Black, Indigenous, and People of Color (BIPOC)
      - b) Diversion
      - c) Emergency Shelter
      - d) Families
      - e) Individuals
      - f) LGBTQ
      - g) People with disabilities
      - h) Permanent Supportive Housing
      - i) Prevention
      - j) Rapid Rehousing
      - k) Street Outreach
      - l) Transitional Aged Youth
  - ii. The remaining two At-Large Seats will not be prescribed a priority area of expertise/experience.

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## Item VI. Attachment B

- ~~a) 1. The Orange County CoC encourages participation from interested stakeholders and sectors, including but not limited to businesses, universities and colleges, law enforcement, criminal justice system, persons with current or past lived experience of homelessness.~~

### CoC Board Section Process

~~For the~~The inaugural CoC Board Members, ~~they~~ will be elected by the voting General Membership at the April Homeless Provider Forum Full Membership meeting and seated in July.

- a. ~~The Voting General Membership shall be informed when the nomination period opens and closes. Interested candidates must express their interest and provide any needed information to support the voting process.~~
- b. ~~The Voting General membership will vote on the nominees.~~
- c. ~~The nominees with the highest votes will comprise the CoC Board.~~

For the subsequent selection of CoC Board Members, in advance of the term expiration, the following activities and steps are to be completed:

- ~~a. The Membership shall be informed when the nomination period opens and closes.~~
- a. A Nominating Committee comprised of three (3) to five (5) Voting General Members will be appointed annually by the Board Chair and confirmed by the CoC Board. At least one member of the Nominating Committee will be a CoC Board member whose seat is not up for election. The Nominating Committee will support the Collaborative Applicant in outreach to potential candidates to make them aware of the upcoming CoC Board seat election. These outreach efforts will help ensure adequate representation of subpopulations listed in the CoC Board composition.
- b. The Voting General Membership will be notified of the nomination period, start and end, as well as the process to nominate a candidate or express interest in being a candidate.
- b. ~~identify and screen potential candidates and conduct the election by secret ballot at the August CoC Board Meeting.~~
- ~~e. The Nominating Committee will support the :~~
- ~~Recruit candidates and confirm willingness to serve.~~
- c. The Collaborative Applicant in reviewing submitted applications, will verifying qualifications and experience/expertise of all candidates to serve as Board Members or Officers or a specific seat.
- d. The CoC General Membership will vote by secret ballot on the slate of interested and qualified candidates (that have been previously vetted by the Nominating Committee). The candidates with the highest votes will be presented to the CoC Board for ratification.
- ~~i. The same process as outlined above in items a. through d, will be completed to fill any vacancies left by a member before the expiration of the term of that member. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.~~
- e. The Collaborative Applicant will ensure adequate representation of subpopulations listed in Section VII C.
- e.f. The traditional nominating and election timeline is as follows:
  - i. ~~April-September~~ – CoC Board Chair appoints Nominating Committee
  - ii. ~~May-October~~ – Nominating Committee convenes and outreaches to potential candidates.
  - iii. ~~June-November~~ – Candidates are presented to the CoC General Membership for voting/election. Nominations made to the Board
  - iv. ~~August-December~~ – Full membership meeting vote to elect. The CoC Board and Officers and ratifies slate of elected candidates by the CoC General membership or amend the Governance Charter.
  - v. ~~August-January~~ – CoC Board seating takes place. Outgoing CoC Board and Board staff will provide "training" for incoming Board.
- f. At the first meeting of the calendar year each August, the Continuum of Care CoC Board will elect the Board Officers (Chair, Vice-Chair and Secretary) to serve for one (1) year terms. CoC Board Officers may serve for more than one (1) but not more the two (2) consecutive terms as an Officer.
- g.



## Item VI. Attachment C

### Continuum of Care Board Composition

The CoC Board is comprised of seventeen (17) members elected by the voting General Membership. A quorum consists of nine (9) voting members present. The CoC Board shall be comprised of members that provide a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC. Additionally, the CoC Board membership shall include representation of persons of different races, ethnicities and backgrounds.

The CoC Board designations are:

- a. CoC Board Officers
  - i. Chair
  - ii. Vice-Chair
  - iii. Secretary
  
- b. There are six (6) required categories of CoC Board Members as described by the HEARTH Act. The Orange County CoC Board will have one seat for each category.
  - i. One (1) seat for person with current or past lived experience of homelessness
  - ii. One (1) seat for Education / McKinney Vento representative
  - iii. One (1) seat for Veteran or veteran service agency representative
  - iv. One (1) seat for Emergency Solutions Grant (ESG) Program funded agency or recipient agent
  - v. One (1) seat for Public Housing Agency (PHA) representative
  - vi. One (1) seat for Domestic Violence Agency representative
  
- c. There are eleven (11) seats for At-Large CoC Board Members. The At-Large Seats should be representative of the relevant organizations and subpopulations set forth in the membership section of this Governance Charter.
  - i. The CoC Board will prioritize the following areas of expertise/experience for nine (9) of the At-Large Seats to ensure a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC.
    1. One (1) seat for Behavioral Health background and expertise
    2. One (1) seat for Faith-Based Representation
    3. One (1) seat for Health Care background and expertise
    4. One (1) seat for affordable housing development background and expertise
    5. Five (5) seats for expertise on homeless services and/or subpopulation focus
      - a) Black, Indigenous, and People of Color (BIPOC)
      - b) Diversion
      - c) Emergency Shelter
      - d) Families
      - e) Individuals
      - f) LGBTQ
      - g) People with disabilities
      - h) Permanent Supportive Housing
      - i) Prevention
      - j) Rapid Rehousing
      - k) Street Outreach
      - l) Transitional Aged Youth
  - ii. The remaining two At-Large Seats will not be prescribed a priority area of expertise/experience.
    1. The Orange County CoC encourages participation from interested stakeholders and sectors, including but not limited to businesses, universities and colleges, law enforcement, criminal justice system, persons with current or past lived experience of homelessness.

## Item VI. Attachment C

### CoC Board Section Process

The inaugural CoC Board Members will be elected by the voting General Membership at the April Homeless Provider Forum Full Membership meeting and seated in July.

- a. The Voting General Membership shall be informed when the nomination period opens and closes. Interested candidates must express their interest and provide any needed information to support the voting process.
- b. The Voting General membership will vote on the nominees.
- c. The nominees with the highest votes will comprise the CoC Board.

For the subsequent selection of CoC Board Members, in advance of the term expiration, the following activities and steps are to be completed:

- a. A Nominating Committee comprised of three (3) to five (5) Voting General Members will be appointed annually by the Board Chair and confirmed by the CoC Board. At least one member of the Nominating Committee will be a CoC Board member whose seat is not up for election. The Nominating Committee will support the Collaborative Applicant in outreach to potential candidates to make them aware of the upcoming CoC Board seat election. These outreach efforts will help ensure adequate representation of subpopulations listed in the CoC Board composition.
- b. The Voting General Membership will be notified of the nomination period, start and end, as well as the process to nominate a candidate or express interest in being a candidate.
- c. The Nominating Committee will support the Collaborative Applicant in reviewing submitted applications, verifying qualifications and experience/expertise of all candidates to serve as Board Members or Officers or a specific seat.
- d. The CoC General Membership will vote by secret ballot on the slate of interested and qualified candidates (that have been previously vetted by the Nominating Committee). The candidates with the highest votes will be presented to the CoC Board for ratification.
- e. The same process as outlined above in items a. through d. will be completed to fill any vacancies left by a member before the expiration of the term of that member. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.
- f. The traditional nominating and election timeline is as follows:
  - i. September – CoC Board Chair appoints Nominating Committee
  - ii. October – Nominating Committee convenes and outreaches to potential candidates.
  - iii. November – Candidates are presented to the CoC General Membership for voting/election.
  - iv. December – The CoC Board ratifies slate of elected candidates by the CoC General membership.
  - v. January – CoC Board seating takes place. Outgoing CoC Board and Board staff will provide “training” for incoming Board.
- g. At the first meeting of the calendar year, the CoC Board will elect the Board Officers (Chair, Vice-Chair and Secretary) to serve for one (1) year terms. CoC Board Officers may serve for more than one (1) but not more than two (2) consecutive terms as an Officer.

# Orange County CoC - CA - 602 Governance Charter

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**Introduction:** In accordance with the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (the “HEARTH Act”) which was enacted into law on May 20, 2009, the Orange County Continuum of Care in consultation with the Collaborative Applicant (County of Orange), Continuum of Care and Emergency Solution Grant funded agencies and Homeless Management Information System (“HMIS”) Lead Agency has developed a governance charter which includes procedures and policies needed to comply with the HEARTH Act requirements as prescribed by U.S. Department of Housing and Urban Development (HUD); and a code of conduct and recusal process for the board, its chair(s), and any person acting on behalf of the board.

In addition to HEARTH Act compliance and in alignment with the Regional System of Care, the Continuum of Care (“CoC”) will operate to enhance, inform and implement services addressing the complex case management and housing needs of individuals and families experiencing homelessness in Orange County. Services supported by the Orange County CoC will also demonstrate best practices and evidence-based practices ensuring a client-centered approach, client choice and client rights and responsibilities are clear and service standards are consistently met.

The Orange County CoC designates the County of Orange as the collaborative applicant and fiscal entity for administering planning and funding for homelessness assistance program throughout the Orange County CoC.

### **I. Name:**

The technical name of the organization is CoC CA-602 hereinafter referred to as the “Orange County CoC”.

### **II. Geographic Boundaries:**

The Orange County CoC covers all the geography within the boundaries of Orange County, including its 34 cities and unincorporated areas as regionalized within North, Central and South Service Planning Areas.

### **III. Purpose:**

The Orange County CoC serves as the locally-designated primary decision-making group whose purpose and scope is to implement the Continuum of Care program (the “CoC”) which is authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381-11389). As noted in CFR 24 Part 578.1 Purpose and scope of the HEARTH Act, the program is designed to:

- A. Promote communitywide commitment to the goal of ending homelessness through regional coordination and collaboration;
- B. Advocate for funding and resources to end homelessness and provide funding for proven efforts by nonprofit providers and local governments to quickly rehouse people experiencing homelessness, while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness;
- C. Promote access to and effective utilization of mainstream programs by homeless individuals and families; and

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- D. Promote implementation of best practices and evidence-based approaches to homeless programming and services.

### IV. **Responsibilities of the Orange County CoC**

The four major responsibilities of the Orange County CoC consists of:

1. Operating the Continuum of Care,
2. Designating and operating an HMIS for the Continuum of Care,
3. Planning for the Continuum of Care, and
4. Preparing an application for funds which is in accordance with § 578.7 Responsibilities of the Continuum of Care and in the HEARTH Act and § 578.79.

#### A. Operating the Continuum of Care.

The Orange County CoC will:

1. Hold meetings of the full membership, with published agendas, at least semi-annually;
2. Make a public invitation for new members to join available within the geographic area at least annually;
3. Adopt and follow a written process to select a board to act on behalf of the CoC. The process must be reviewed, updated, and approved by the CoC at least every five (5) years;
4. Establish committees, subcommittees and ad hoc groups to address specific functions of the Orange County CoC, as needed;
5. Work with the Collaborative Applicant to develop and update annually a governance charter, which will include all procedures and policies needed to comply with HUD mandates, HEARTH Act regulations and a code of conduct and recusal process for the board, its chair(s), and any person acting on behalf of the board;
6. Consult with recipients and subrecipients to establish performance targets appropriate for population and program type, monitor Continuum of Care and Emergency Solutions Grant funded agencies performance, evaluate outcomes, and take action to address poor performers;
7. Evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report performance measures to HUD as required;
8. In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and operate a Coordinated Entry System that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The CoC must maintain specific policy to guide the operation of the Coordinated Entry System on how its system addresses 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 nonvictim service providers in compliance with any requirements established by HUD Notice; and

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9. In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:
  - a. Policies and procedures for evaluating individuals' and families' eligibility for assistance;
  - b. Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
  - c. Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance;
  - d. Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;
  - e. Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
  - f. Where the CoC is designated a high-performing community, as described in Subpart G, policies and procedures set forth in 24 CFR 576.400(e)(vi), (e)(vii), (e)(viii), and (e)(ix).

### B. Designating and operating a Homeless Management Information System.

The Orange County CoC will:

1. Designate a single Homeless Management Information System (HMIS) for the geographic area;
2. Designate an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS Lead;
3. Review, revise and approve a privacy plan, security plan, and data quality plan for the CoC HMIS;
4. Ensure consistent participation of recipients and subrecipients in the HMIS;
5. Ensure the HMIS is administered in compliance with requirements prescribed by HUD;
6. Ensure the HMIS operates efficiently and effectively to promote HUD funded and non-funded agency participation, system coordination, and utilization and performance is achieved; and
7. Ensure that HMIS captures the Coordinated Entry System Core Elements of Access, Assessment, Prioritization and Referral through program participation by recipients and subrecipients.

### C. Continuum of Care Policies, Procedures and Standards

The Orange County CoC will:

1. Have a Policies, Procedures and Standards Committee that meets at least two times a year or as needed for the review of policies, procedures and standards of the Orange County Continuum of Care;

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2. Have its various committees, subcommittees, and ad hocs proposed drafts, revisions and/or updates to policies, procedures and/ or standards be submitted to the Policies, Procedures and Standards Committee;
3. Have all proposed policies, procedures and standards reviewed and vetted by the Policies and Standards Committee to ensure adherence to the HEARTH Act, HUD Notices and regulations, best practices and evidenced-based approaches, prior to being presented to the CoC Board for adoption; and
4. Engage the public, including homeless and formerly homeless individuals, in policy and standards development and/or revisions that affect the operations of the CoC and ESG funded programs.

### D. Continuum of Care Planning.

The Orange County CoC and the Collaborative Applicant (County of Orange) will develop a plan that includes:

1. Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals, including unaccompanied youth, and families. At a minimum, this system encompasses the following:
  - a. Outreach, engagement, and assessment;
  - b. Shelter, housing, and supportive services;
  - c. Prevention and diversion strategies.
2. Planning for and conducting an annual shelter homeless count and a biennial unsheltered homeless count by Service Planning Area that meets the following requirements:
  - a. Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons;
  - b. Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons; and
  - c. Other requirements established by HUD Notice or to meet local objectives.
3. The HMIS Lead Agency will assist the Collaborative Applicant in conducting an annual gaps analysis of the homeless needs and services available within the geographic area and/or Service Planning Areas;
4. Providing information required to complete the Consolidated Plan(s) within the CoC's geographic area;
5. Consulting with State and local government Emergency Solutions Grants program recipients within the CoC's geographic area on the plan for allocating Emergency Solutions Grants program funds and reporting on and evaluating the performance of

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Emergency Solutions Grants program recipients and subrecipients. Emergency Solutions Grant entitlements include:

- County of Orange
- Santa Ana
- Anaheim
- Garden Grove

### E. Annual Competitive Application for Continuum of Care Funding

The Orange County CoC will:

1. Design, operate, and follow a collaborative process for the development of applications and approve the submission of applications in response to a Notice of Funding Availability (NOFA) published by HUD;
2. Establish priorities for funding proposals to meet needs within in the geographic area;
3. Support the Collaborative Applicant in compiling the required application information from all projects within the geographic area that the CoC has selected for funding; and
4. Retains all of its responsibilities, even if it designates one or more eligible applicants other than itself to apply for funds on behalf of the CoC. This includes approving the CoC application.

### V. Orange County CoC Structure:

The operations and management of the Orange County CoC and its responsibilities are structured in four segments.

#### A. CoC Collaborative Applicant and Fiscal Agent

The Orange County CoC designates the County of Orange as Collaborative Applicant and Planning Grant recipient for homelessness assistance programs throughout the Orange County CoC. The County of Orange will comply with the provisions of 24 CFR 578.7, including coordinating with the development of the CoC system, CoC planning, Coordinated Entry System, HMIS and the support of the various functions and activities as required by the HEARTH Act.

In addition, the Orange County CoC Board designates the County of Orange as administrative and fiscal entity for homeless funding to support the development of the System of Care. The County of Orange is the administrative and fiscal entity for state and local funding from homeless programming that designates the CoC as the eligible applicant and requires the local government entity to be the fiscal agent.



B. Orange County CoC Board

As noted in §578.5(b) of the HEARTH Act, “The Continuum of Care must establish a board to act on behalf of the Continuum using the process established as a requirement by § 578.7(a)(3) and must comply with the conflict-of-interest requirements at § 578.95(b).”

The Continuum of Care Board is therefore acting on behalf of the members of the Orange County CoC. To this end, the Orange County CoC will strategically comprise a governing board that represents the stakeholder groups enumerated in the HEARTH Act which require the CoC Board to be representative of relevant organizations and of projects serving homeless subpopulations within Orange County, including at least one (1) homeless or formerly homeless individual.

1. Continuum of Care Board Responsibilities

The Continuum of Care Board will:

- a. Conduct the hands-on work and facilitate the committees, subcommittees and ad hoc groups of the Orange County CoC. Every member of the CoC Board is encouraged to serve on committees;
- b. Build community awareness of the needs of all homeless and at-risk populations identified in the county;
- c. Ensure, to the greatest extent possible, access to services by the subpopulations enumerated in this charter;
- d. Ensure relevant organizations and projects serving various homeless and at risk subpopulations are represented in the planning and decision-making for the overall coordination of homeless services Continuum of Care;
- e. Ensure Regional Coordination and collaborative work across the CoC through the use of the Coordinated Entry System;
- f. Coordinate the CoC Programs and set goals and priorities for ending homelessness in Orange County;
- g. Approve Orange County CoC policies as recommended by service providers and/or Committees;
- h. Create committees, subcommittees and ad hoc groups necessary for the proper and efficient functioning of the Orange County CoC; and
- i. Dissolve committees, subcommittees and ad hoc groups, if they are determined to be unnecessary for the proper and efficient functioning of the Orange County CoC.

2. Continuum of Care Board Composition

The CoC Board is comprised of seventeen (17) members elected by the voting General Membership. A quorum consists of nine (9) voting members present. The CoC Board

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shall be comprised of members that provide a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC. Additionally, the CoC Board membership shall include representation of persons of different races, ethnicities and backgrounds.

The CoC Board designations are:

- a. CoC Board Officers
  - i. Chair
  - ii. Vice-Chair
  - iii. Secretary
- b. There are six (6) required categories of CoC Board Members as described by the HEARTH Act. The Orange County CoC Board will have one seat for each category.
  - i. One (1) seat for person with current or past lived experience of homelessness
  - ii. One (1) seat for Education / McKinney Vento representative
  - iii. One (1) seat for Veteran or veteran service agency representative
  - iv. One (1) seat for Emergency Solutions Grant (ESG) Program funded agency or recipient agent
  - v. One (1) seat for Public Housing Agency (PHA) representative
  - vi. One (1) seat for Domestic Violence Agency representative
- c. There are eleven (11) seats for At-Large CoC Board Members. The At-Large Seats should be representative of the relevant organizations and subpopulations set forth in the membership section of this Governance Charter.
  - i. The CoC Board will prioritize the following areas of expertise/experience for nine (9) of the At-Large Seats to ensure a well-balanced perspective from multiple sectors to best lead the response to homelessness in the Orange County CoC.
    1. One (1) seat for Behavioral Health background and expertise
    2. One (1) seat for Faith-Based Representation
    3. One (1) seat for Health Care background and expertise
    4. One (1) seat for affordable housing development background and expertise
    5. Five (5) seats for expertise on homeless services and/or subpopulation focus
      - a) Black, Indigenous, and People of Color (BIPOC)
      - b) Diversion
      - c) Emergency Shelter
      - d) Families
      - e) Individuals
      - f) LGBTQ
      - g) People with disabilities
      - h) Permanent Supportive Housing
      - i) Prevention
      - j) Rapid Rehousing

- k) Street Outreach
      - l) Transitional Aged Youth
    - ii. The remaining two At-Large Seats will not be prescribed a priority area of expertise/experience.
      - 1. The Orange County CoC encourages participation from interested stakeholders and sectors, including but not limited to businesses, universities and colleges, law enforcement, criminal justice system, persons with current or past lived experience of homelessness.
  - d. Continuum of Care Board Support
    - i. Collaborative Applicant – As the Collaborative Applicant the Continuum of Care Manager and/or other County of Orange staff will facilitate the Continuum of Care Board business and will utilize resources to continue the development of the CoC system.
    - ii. HMIS Lead Agency – The HMIS Lead Agency will assist the Collaborative Applicant in providing CoC utilization, performance and gaps data and regional Service Planning Area resource information to the CoC Board.
    - iii. Coordinated Entry System Lead Agency – The Coordinated Entry System Lead Agency will assist the Collaborative Applicant in providing performance and gaps data information to the CoC Board.
3. Continuum of Care Board Selection Process
- The inaugural CoC Board Members will be elected by the voting General Membership at the April Homeless Provider Forum Full Membership meeting and seated in July.
- a. The Voting General Membership shall be informed when the nomination period opens and closes. Interested candidates must express their interest and provide any needed information to support the voting process.
  - b. The Voting General membership will vote on the nominees.
  - c. The nominees with the highest votes will comprise the CoC Board.

For the subsequent selection of CoC Board Members, in advance of the term expiration, the following activities and steps are to be completed:

- a. A Nominating Committee comprised of three (3) to five (5) Voting General Members will be appointed annually by the Board Chair and confirmed by the CoC Board. At least one member of the Nominating Committee will be a CoC Board member whose seat is not up for election. The Nominating Committee will support the Collaborative Applicant in outreach to potential candidates to make them aware of the upcoming CoC Board seat election. These outreach efforts will help ensure adequate representation of subpopulations listed in the CoC Board composition.
- b. The Voting General Membership will be notified of the nomination period, start and end, as well as the process to nominate a candidate or express interest in being a candidate.

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- c. The Nominating Committee will support the Collaborative Applicant in reviewing submitted applications, verifying qualifications and experience/expertise of all candidates to serve as Board Members or Officers or a specific seat.
  - d. The CoC General Membership will vote by secret ballot on the slate of interested and qualified candidates (that have been previously vetted by the Nominating Committee). The candidates with the highest votes will be presented to the CoC Board for ratification.
  - e. The same process as outlined above in items a. through d. will be completed to fill any vacancies left by a member before the expiration of the term of that member. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.
  - f. The traditional nominating and election timeline is as follows:
    - i. September – CoC Board Chair appoints Nominating Committee
    - ii. October – Nominating Committee convenes and outreaches to potential candidates.
    - iii. November – Candidates are presented to the CoC General Membership for voting/election.
    - iv. December – The CoC Board ratifies slate of elected candidates by the CoC General membership.
    - v. January – CoC Board seating takes place. Outgoing CoC Board and Board staff will provide “training” for incoming Board.
  - g. At the first meeting of the calendar year, the CoC Board will elect the Board Officers (Chair, Vice-Chair and Secretary) to serve for one (1) year terms. CoC Board Officers may serve for more than one (1) but not more the two (2) consecutive terms as an Officer.
4. Continuum of Care Board Qualifications
1. The Orange County Continuum of Care Board Members and Officers are selected to represent various constituencies. As a whole the Board should:
    - a. Be diverse, including philosophical and socio-economic diversity;
    - b. Have complementary skill sets;
    - c. Represent a balance of community stakeholders in the region; and
    - d. Be able to network with other potential CoC Board Members.
    - e. Willingness and ability to consistently attend meetings.
  2. Potential Board Members must be current voting General Members who demonstrate:
    - a. A high level of ethical behavior;
    - b. Working knowledge of and compassion about addressing homelessness;
    - c. Leadership and collaborative spirit in the best interest of the Orange County CoC.
  3. All Board members must attend at least seventy-five percent (75%) of meetings each year and not be absent for three (3) 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 CoC Board.

5. Continuum of Care Board Meetings

1. All meetings will be open to the public except as otherwise determined by the CoC Board. Any person who attends an Orange County CoC meeting may be asked by the CoC Board Chair to leave if the person is disruptive; if a conflict of interest applies; or if an agenda business item(s) is deemed by the CoC Board Chair to be of such nature that it involves only Orange County CoC closed session business.
2. Robert's Rules of Order Abridged-Revised will guide the process during all meetings.
3. An annual calendar of the CoC Board meetings will be recommended to the CoC Board for adoption at the CoC Board meeting in October and presented at the Homeless Provider Forum meeting in November. The CoC Board meetings calendar will be distributed to all members electronically and published on the County of Orange – Homeless Services website.

6. Continuum of Care Board Documentation

1. The Orange County CoC Board will conduct and transact business in a fair and transparent manner. To this end, the CoC Board will maintain records of all Orange County Continuum of Care agendas and minutes and make these available upon request.
2. The Collaborative Applicant will keep record of all HEARTH Act policies, calendars, meeting minutes, and records.

7. Continuum of Care Board Conflict of Interest and Recusal Process

Members must comply with the conflict of interest and recusal process found in §578.95 Conflicts of interest in the HEARTH Act and any additional requirements per the Continuum of Care Board Governance Charter.

1. Conflict of Interest – Members of the CoC Board and any of its committees or subcommittees shall abstain from voting on any issue in which they may be personally vested to avoid a conflict of interest in accordance with County, State and Federal laws, regulations and ordinances and shall refrain from engaging in any behavior that conflicts with the best interest of County.
  - a. Members of the CoC Board shall not vote nor attempt to influence any other Board member on a matter under consideration by the Board or any of its committees or subcommittees as follows:

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- i. Regarding the provision of services by such member (or by an entity that such member represents); or
    - ii. By providing direct financial benefit to such member or the immediate family of such member; or
    - iii. Engaging in any other activity determined by County, State or Federal law, regulations and ordinances to constitute a conflict of interest.
  - b. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee may consult with designated County Staff to assist them in making that determination.
  - c. Neither the CoC Board nor any of its members shall promote, directly or indirectly, any political party, political candidate or political activity using the name, emblem or any other identifier of the CoC Board.
  - d. No assets or assistance provided by County to CoC Board shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.
2. Code of Conduct – The members of the CoC 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, CoC Board Members are expected to carry out the mandate of the Orange County CoC to the best of their ability and to maintain the highest standards of integrity while interacting with other members of the Board, Orange County CoC representatives, service recipients, service providers, and the public.
  - a. The Orange County CoC prohibits the solicitation and acceptance of gifts or gratuities by the CoC 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 CoC Board;
  - b. The Orange County 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:
    - i. Put forth honest effort in the performance of their duties;

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- ii. Not knowingly make unauthorized commitments or promises of any kind purporting to bind the Orange County CoC without previous CoC Board approval;
  - iii. Disclose waste, fraud, abuse and corruption to the appropriate authorities;
  - iv. 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;
  - v. 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 Orange County CoC. CoC Board Members and Officers are expected to exercise adequate control and supervision over matters for which they are individually responsible.
  - vi. 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 CoC Board operations.
  - vii. Protect any confidential information provided to, or generated by, the activities of the Orange County CoC; and
  - viii. Not use confidential information of the Orange County 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 CoC Board.
3. Termination Policy - Any CoC Board Member, or the entire CoC Board, may be removed for cause by a two-thirds (2/3) vote of the Orange County 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.

### C. Orange County CoC General Membership

Membership is based upon organizations within the Geographic Area participating in the responsibilities of the Orange County CoC by having organizational representatives actively participate in CoC board, committees, and working groups.

As noted in § 578.5 Establishing the Continuum of Care. Relevant organizations will include:

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“nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve veterans and homeless and formerly homeless individuals.”

Additionally, the Orange County CoC will strive to ensure representation from diverse and public agencies including those dedicated to behavior health, substance use recovery services, health, employment training and development, youth, the LGBTQ community, and housing and community development.

a. Nominations for Orange County CoC General Membership

A public invitation within the Geographic Areas of the CoC will be extended annually for new members to join in accordance with the HEARTH Act as described in § 578.7 *Responsibilities of the Continuum of Care*.

b. General Membership Terms

There is no term limit. Membership, however, may be terminated by the Orange County CoC in accordance with subsection I. Removal below.

c. Continuum of Care Meetings

The Orange County CoC will hold meetings of the full membership with published agendas at least twice a year. The Orange County Homeless Provider Forum serves to facilitate CoC full membership meetings.

d. Quorum

A number equal to a majority of those belonging to the Orange County CoC will constitute a quorum for the transaction of business at any general membership meeting.

e. Voting

At all meetings, business items may be decided by arriving at a consensus. If a vote is necessary, all votes will be by voice or ballot at the will of the majority in attendance. The exception to this rule is a vote to elect CoC Board members, in this case a vote will be held by secret ballot. Each active organization will have one vote given by one representative even when more than one organizational representative is present. No active organization may vote on any item which presents a real or perceived conflict-of-interest.

f. Conflict of Interest

Members must comply with the conflict of interest and recusal process found in the § 578.95 Conflicts of interest of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).



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“(a) Procurement. For the procurement of property (goods, supplies, or equipment) and services, the recipient and its subrecipients must comply with the codes of conduct and conflict-of-interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private nonprofit organizations).

(b) Continuum of Care board members. No Continuum of Care board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.

(c) Organizational conflict. An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when a covered person’s, as in paragraph (d)(1) of this section, objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the applicant concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under § 578.49(b)(2) and § 578.51(g) and housing quality inspections of property under § 578.75(b) that the recipient, subrecipient, or related entity owns.

(d) Other conflicts. For all other transactions and activities, the following restrictions apply:

(1) No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted under this part, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under this part, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.

(2) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (d)(2)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (d)(2)(ii) of this section.

(i) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

(A) Disclosure of the nature of the conflict, accompanied by a written assurance, if the recipient is a government, that there has been public disclosure of the conflict and a description of how the public disclosure was made; and if the recipient is a private nonprofit organization, that the conflict has been disclosed in accordance with their written code of conduct or other conflict-of-interest policy; and

(B) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law, or if the subrecipient is a private nonprofit organization, the exception would not violate the organization's internal policies.

(ii) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (c)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the Continuum of Care program and the effective and efficient administration of the recipient's or subrecipient's project, taking into account the cumulative effect of the following factors, as applicable:

(A) 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;

(B) Whether an opportunity was provided for open competitive bidding or negotiation;

(C) 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;

(D) Whether the interest or benefit was present before the affected person was in the position described in paragraph (c)(1) of this section;

(E) Whether undue hardship will result to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict;

(F) 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

(G) Any other relevant considerations. "

g. Removal

Any member of the Orange County CoC may be removed by a two-thirds majority of all organizations present during a scheduled meeting.

D. Collaboration with Commission to End Homelessness

The Commission to End Homelessness focuses on regional policy and implementation strategies, affordable housing development, data and gaps analysis, best practice research, social policy and systemic change to promote an effective response to homelessness within the County of Orange. The CoC Board will regularly provide information and recommendations around CoC funded homeless programs to the Commission to End Homelessness. This will ensure regional alignment of efforts to resolve homelessness.

1. The CoC Board will collaborate with the Commission to End Homelessness to:
  - a. Address gaps within the System of Care;
  - b. Strengthen operational performance;
  - c. Ensure regional access and alignment;
  - d. Receive expertise related to each System of Care component in support of the CoC System integration objectives; and
  - e. Identify, secure and prioritize funding opportunities that provide system enhancements within the five components of the System of Care” Community Corrections, Behavioral Health, Healthcare, housing, Benefits and Support Services.
2. The CoC Board will at least annually report to the Commission to End Homelessness on the progress of the Orange County CoC. These reports may include:
  - a. HUD System Performance Measures (SPM) Report
  - b. Housing Inventory Chart (HIC)
  - c. Gaps Analysis Reports
  - d. Point-in Time (PIT) Count (unsheltered biennially and sheltered annually)
  - e. Funding priorities, grants and funding awards from federal and state government
  - f. Any other reports requested by the Commission to End Homelessness to help further system of care policy recommendations and regional system development.

## Item VI. Attachment D

3. The chairperson of the CoC Board and the Commission to End Homelessness may establish ad hoc committees to provide recommendations regarding time-limited tasks that support the goals of the Commission to End Homelessness and assist in the functions of the CoC Board.
4. Non-conflicted Commission to End Homelessness members may participate on review panels concerning the award of a grant or other program funding related to the CoC when there is a conflict of interest among CoC Board members.

### **VI. Continuum of Care Legal Entity**

The County of Orange is the Collaborative Applicant who will submit grants to HUD on behalf of the project applicants comprised in the Orange County CoC. All contracts funded by the CoC competition have direct contracts with HUD. Submission will be in compliance with § 578.9. The County of Orange is the designated administrative entity and fiscal agent for homeless services system funding awards that intersect with the CoC and the System of Care programs.

### **VII. Public Statement and Media Policy**

In the interest of presenting a unified voice in the community, the Collaborative Applicant, County of Orange, is the designated spokespersons and media points of contact for the Orange County CoC for inquiries or official statements related to the Orange County CoC. Members will refrain from making public comments or speaking to the media on behalf of the Orange County CoC, unless the Collaborative Applicant determines that the interests of the Orange County 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 Orange County CoC.

**Date:** October 27, 2021

**Subject:** Orange County Housing Finance Trust Advisory Board

**Recommended Action:**

- a. Appoint a CoC Board Member to the Orange County Housing Finance Trust Advisory Board to advise the OC Housing Finance Trust Board of Directors.

**Background and Analysis**

On September 15, 2021, the Orange County Housing Finance Trust (OCHFT) adopted Bylaws (reference Attachment A) detailing the creation of an Advisory Board. The Advisory Board will consist of seven members and shall advise the Board of Directors with respect to all matters that OCHFT Board of Directors has taken in furtherance of OCHFT's purpose. The Advisory Board membership is entitled to attend all OCHFT regular and special meetings and to fully participate in such meetings but cannot vote on project applications or amendments to OCHFT bylaws, rules, or procedures. It is anticipated that the Advisory Board will meet quarterly.

Terms of office for members of the Advisory Board shall be for two (2) years. An Advisory Board member's seat shall be deemed vacant if he or she fails to attend three consecutive regular or special meetings, or if his or her appointing body removes him or her. Upon a vacancy, the appointing body shall be notified and shall attempt to fill the vacancy within sixty (60) days of the vacancy occurring.

One of the seven members of the Advisory Board will be a member who also serves on the Orange County CoC Board. The CoC Board member shall be appointed by the majority of the Orange County CoC Board to serve as the representative from the Orange County CoC.

The Manager of OCHFT, Adam Eliason, reached out to the CoC Board Chair and the Office of Care Coordination to bring this item to the Orange County CoC Board for consideration.

Appointing a CoC Board Member to the Advisory Board will add value, bringing knowledge of funded homeless services and programs into the OCHFT conversation to finance the development of affordable and permanent supportive housing units in a holistic and regional approach of ending homelessness in Orange County advise the OC Housing Finance Trust Board of Directors.

**Attachments**

Attachment A – Orange County Housing Finance Trust Bylaws updated September 15, 2021

**ORANGE COUNTY**

**HOUSING FINANCE TRUST**

**Bylaws**

**APPROVED BY THE**  
**ORANGE COUNTY HOUSING FINANCE TRUST**  
**BOARD OF DIRECTORS**  
**ON AUGUST 30, 2019**  
**UPDATED SEPTEMBER 15, 2020**

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## **Part 1 – Introduction to the Orange County Housing Finance Trust (OCHFT)**

### **1.01 Establishment**

Chapter 336 of the California Statutes of 2018 (AB 448, 2018, Quirk-Silva, Daly, and Moorlach) was entered into law on September 11, 2018. Chapter 336 authorized the County of Orange and any of the cities within the County of Orange to create a joint powers agency known as the Orange County Housing Finance Trust, which may do any of the following: (1) fund the planning and construction of housing of all types and tenures for the homeless population and persons and families of extremely low, very low, and low income, as defined in Section 50093 of the Health and Safety Code, including, but not limited to, permanent supportive housing; (2) receive public and private financing and funds; and (3) authorize and issue bonds, certificates of participation, or any other debt instrument repayable from funds and financing received and pledged by the Orange County Housing Finance Trust.

The OCHFT was established on March 12, 2019 by the execution of the Joint Exercise of Powers Agreement (the “Agreement”) by and between the Cities of Fullerton, Newport Beach, Garden Grove, San Juan Capistrano, and Costa Mesa (collectively, the “Cities”) and the County of Orange (the “County”). These Bylaws were adopted by OCHFT’s Board of Directors and provide for the organization and administration of OCHFT. These By-Laws supplement the Agreement.

### **1.02 OCHFT Guiding Vision and Mission**

Following the passage of AB 448, the County of Orange and ACC-OC formed a collaborative working group to establish the OCHFT. As such, the working group, comprised of elected officials and staff from both the County and Cities worked to create the guiding vision and mission as follows:

*The vision of OCHFT is to provide innovative financial solutions for the humanitarian crisis of homelessness in our local communities.*

*The mission of OCHFT is to strengthen the communities in Orange County by financing the development of housing for homeless and low-income individuals and families.*

### **1.03 - OCHFT Guiding Principles**

The guiding principles of the OCHFT:

1. Implement the findings and declarations of AB 448.
2. Provide funding based on principles of fiscal responsibility and demonstrated value to the taxpayer and funder.



3. Retain local control and the ability for local governments to use OCHFT funding for housing solutions when needed, or to participate within the region as a whole.
4. Demonstrate accountability and transparency for members of the JPA and the public.
5. Promote public-private partnerships, nonprofit collaborations, and community building to maximize sources of funds public and private, when available, and to efficiently accelerate housing for low, very low and extremely low income individuals and families.
6. Provide opportunities to strengthen local partnerships and increase capacity of local cities and agencies engaged in fulfilling housing goals.
7. Commit to innovation and best practices in financing, production, and service delivery in supportive housing.
8. Serve the region's needs geographically by (1) extremely low, very low, low income, and supportive housing types and (2) by population.
9. Foster collaborative planning to allow for project prioritization and establish a pipeline of projects.
10. Provide access to funding to ensure that Orange County receives the maximum benefit for the resources provided.
11. Incorporate County's Coordinated Entry System in conjunction with the cities' locally-driven protocols to ensure that the developed housing resources has appropriately targeted and prioritized eligible homeless populations for each project.

## **Part 2 – Bylaws of the OC Housing Finance Trust**

### **ARTICLE I - Name**

The name of this entity shall be the “Orange County Housing Finance Trust” or “OCHFT” in these Bylaws.

### **ARTICLE II – Membership and Purpose**

#### **Section A: OCHFT Membership**

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OCHFT is comprised of the County of Orange and the cities have executed OCHFT's Joint Powers Agreement (see Exhibit \_\_). The Agreement may be amended from time to time, as needed, and is incorporated herein subject to those amendments.

### **Section B: Purposes, Functions and Preclusions**

The vision of OCHFT shall be to provide innovative financial solutions for the humanitarian crisis of homelessness in our local communities, in furtherance of OCHFT's mission as stated in *Part 1, Introduction*. More specifically, the purpose and functions of OCHFT shall be:

1. To fund the planning and construction of housing for the homeless population and persons and families of extremely low, very low, and low income, as defined in Section 50093 of the Health and Safety Code, including, but not limited to, housing that includes supportive services;
2. To receive public and private financing and funds;
3. To follow annual financial reporting and auditing requirements that maximize transparency and maximize public information as to the receipt and use of funds by the agency. The annual financial report shall show how the funds have furthered the purposes of the Orange County Housing Finance Trust; and
4. To comply with the regulatory guidelines of each specific state and federal funding source received.

OCHFT is specifically precluded from:

1. Regulating land use in cities or in the unincorporated area of the County of Orange.
2. Serving as an owner or operator of housing units.
3. Exercising any authority to levy, or advocate or incentivize the levying of, any fee, charge, dedication, reservation, tax assessment, or other exaction related to development projects.
4. Requiring or incentivizing inclusionary zoning requirements. The power to adopt inclusionary zoning ordinances remain with the entities that possess land use and planning authority.

5. Providing OCHFT funding for a project that is opposed by the elected body (if within an incorporated area, the City Council, or if in an unincorporated area, the Orange County Board of Supervisors) in which the project is proposed to be located.

### **ARTICLE III – Board of Directors**

#### **Section A: OCHFT Board of Directors**

1. All members of the Board of Directors must be from a member of the governing board of a party to the Agreement.
2. Board of Directors. The nine (9) voting members of the Board of Directors of OCHFT shall be as described below. Each member shall be entitled to one (1) vote on the Board:

##### **a) County Representatives (4):**

- i. Two members of the Board of Supervisors of the County of Orange, selected by the Board of Supervisors; and
- ii. Two countywide elected officials selected from the following six Orange County elected officials: Assessor, Auditor-Controller, Clerk-Recorder, District Attorney-Public Administrator, Sheriff-Coroner, and the Treasurer Tax-Collector by the Board of Supervisors of the County of Orange.

A city member within each Service Planning Area with a population larger than a current appointee under Section A.2 (b)(i)-(iii), shall be seated to the Board of Directors at the end of the term of the currently seated Director for that Service Planning Area.

##### **b) City Representatives (5):**

- i. One City Council member for the city member with the greatest population in the North Region Service Planning Area as measured in the most recent decennial census.
- ii. One City Council member for the city member with the greatest population in the Central Region Service Planning Area as measured in the most recent decennial census.
- iii. One City Council member for the city member with the greatest

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population in the South Region Service Planning Area as measured in the most recent decennial census.

iv. One City Council member from a city member with a population of over 60,000 persons as measured in the most recent decennial census; and

v. One City Council member from a city member with a population of under 60,000 persons as measured in the most recent decennial census.

The selection of Directors under categories iv. and v., above, shall be made by the City Selection Committee from votes cast by eligible city members in each respective category on a one-city-one-vote basis and who are not already represented pursuant to Section A.2, subdivisions (b) (i), (b) (ii), and (b) (iii).

3. Advisory Board (7). An advisory board consisting of the following members shall advise the Board of Directors with respect to all matters that OCHFT Board of Directors has taken in furtherance of OCHFT's purpose as expressed in the Agreement:

- a) One Member who also serves on the Orange County Continuum of Care Board;
- b) Three (3) members who are city managers or assistant city managers, whose cities are not represented on the Board of Directors, with these three members representing cities in each of the three Service Planning Areas or their successor delineation;
- c) The Chief Executive Officer of the County of Orange, or his or her designee;
- d) A police chief (or his or her designee); and
- e) A city from a Housing Authority in Orange County, which receives Housing Choice Voucher funding and which is not otherwise represented as a city on the Board of Directors.

4. All Advisory Board members are entitled to attend all OCHFT regular and special meetings and to fully participate in such meetings, but cannot vote on project applications or amendments to OCHFT bylaws, rules, or procedures.

5. Advisory Board members need not be elected officials.

### **Section B: Selection of Advisory Board Members**

Appointments to the Advisory Board shall be as follows:

1. A majority of the Orange County Continuum of Care Board shall appoint the representative from the Orange County Continuum of Care Board;

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2. The Orange County City Managers Association shall select the three City Manager or Assistant City Manager representatives; and
3. The Orange County Police Chiefs Association shall select the Police Chief representative.
4. The Trust Manager, with ratification by a majority of the Orange County Housing Finance Trust Board, shall select a representative from a City member, whose Housing Authority receives Housing Choice Voucher funding and which is not otherwise represented on the Board of Directors.

### **Section C: Terms and Vacancies**

1. Board of Directors: Terms of office for members of the Board of Directors shall be for two (2) years. A Board of Director's seat shall be deemed vacant if he or she leaves elected office, or if his or her appointing body removes him or her. Upon a vacancy, the appointing body shall be notified and shall attempt to fill the vacancy within sixty (60) days of the vacancy occurring.
2. Advisory Board: Terms of office for members of the Advisory Board shall be for two (2) years. An Advisory Board member's seat shall be deemed vacant if he or she fails to attend three consecutive regular or special meetings, or if his or her appointing body removes him or her. Upon a vacancy, the appointing body shall be notified and shall attempt to fill the vacancy within sixty (60) days of the vacancy occurring.

### **Section D. Board of Director Officers**

The Board of Directors shall select a Chair and a Vice-Chair on an annual basis at the first meeting after the start of the fiscal year. Only members of the Board of Directors may serve as Chair or Vice-Chair. If a County representative is the Chair for any one period, a City representative shall serve as Vice-Chair. If a City representative is Chair for any one period, a County representative shall serve as Vice-Chair.

## **ARTICLE IV – Duties of Officers and Board Members**

### **Section A: Duties of the Chair and Vice-Chair**

It shall be the duty of the Chair to preside at the meetings of the OCHFT. In the Chair's absence, the Vice-Chair shall preside at the meetings of the OCHFT.

### **Section B: Duties of the Board of Director Members:**

## Item VII. Attachment A

1. Meet when called by the Chair to plan and coordinate the business and proposed activities of OCHFT;
2. Review and consider applications for project funding;
3. Review and consider OCHFT's financial information, including the Annual Financial Report, any related independent audit, and the OCHFT's annual budget; and
4. Serve on subcommittees or task forces when appropriate.

### **Section C: Formation of Subcommittees**

The Board may create subcommittees or task forces to accomplish the goals and purposes of OCHFT.

## **ARTICLE V – Meetings**

### **Section A: Regular Meetings**

Regular meetings of OCHFT's Board shall be held once every two (2) months, unless otherwise called by the Chair. Meeting notice, agenda, and public comment procedures shall comply with the provisions of the Ralph M Brown Act. The Clerk of the Board shall prepare meeting agendas and handle noticing requirements.

### **Section B: Special Meetings**

Special meetings of OCHFT may be held at any time upon call of the Chair, provided that the special meetings' noticing and agenda complies with the Ralph M. Brown Act.

### **Section C: Quorum**

A majority of the seated members of the Board of Directors shall constitute a quorum at any meeting of the Board except that less than a quorum may adjourn a meeting to another time and place.

### **Section D: Voting on Project Funding**

1. The Board should strive to attain a unanimous decision on all projects which receive funding from OCHFT; however
2. Every act or decision done or made by a majority of the Directors present at any meeting at which a quorum is present shall be the act of the Board of Directors.

### **Section E: Voting on Amending OCHFT's Bylaws, Principles, or Procedures**

## **Item VII. Attachment A**

1. Amendments to OCHFT's Bylaws, Principles or Procedures shall be considered at a regular meeting, and shall comply with the Ralph M. Brown Act.
2. An amendment to these Bylaws is deemed approved following a majority vote of the Board of Directors.

### **Section F: Minutes**

The Clerk of the Board shall take minutes for OCHFT. A previous meeting's minutes shall be considered and approved at a subsequent meeting by a majority vote of the Board of Directors.

### **Section G: Meeting Procedure**

The conduct of meetings shall be governed by Robert's Rules of Order (most recent published edition) where the question at issue is not determined by these Bylaws.

### **Section H: Location of Meetings**

The Board must meet in publicly-accessible places typical for hosting public meetings, such as Council Chambers, city community rooms, or County board or conference rooms.

## **ARTICLE VI – Financial Review and Oversight**

### **Section A: Annual Financial Report**

1. The Board shall ensure that an Annual Financial Report is prepared, reviewed, adopted and made public annually, to ensure transparency and demonstrate actions that have furthered the purposes of OCHFT.
2. As a part of the development of the Annual Financial Report, the Board shall engage an independent auditor to complete an independent financial audit of OCHFT's operations. The audit must be provided to the public, and the auditor must report all findings to the Board in a public meeting.

### **Section B: Budget**

The Annual Budget of OCHFT shall be reviewed and approved by the Board of Directors in May or June of each year, in advance of the start of OCHFT's next Fiscal Year.

### **Section C: OCHFT Fiscal Year**

The fiscal year of OCHFT shall be from July 1 to June 30 of each year.

## **ARTICLE VII – OCHFT Board Code of Conduct**

This OCHFT Board Code of Conduct represents OCHFT’s commitment to high standards of ethics, public service, collegiality, and transparency. The following standards should be regarded as minimum expectations for conduct. OCHFT Board Members will act in accordance with and maintain the highest standards of professional integrity, impartiality, diligence, creativity and productivity. OCHFT will act in accordance with federal, state, and local laws and regulations.

### **Section A: Compliance with Policies**

1. Members of the Board of Directors and Advisory Board will conduct the OCHFT business in accordance with the Agreement and the bylaws of OCHFT, including conflict of interest policies.

### **Section B: Conflicts of Interest**

4. The Board of Directors may not have a conflict of interest as determined by the California Political Reform Act (the “Act”), inclusive of the Levine Act, California Government Code section 81000, et. seq., and the regulations promulgated to effectuate the Act. Nor shall the Board of Directors have a conflict of interest under California Government Code section 1090.
3. Members of the Board of Directors and Advisory Board are required to file a Statement of Economic Interest (Form 700) in the disclosure category as designated on the OCHFT Conflict of Interest Code.

### **Section C: Confidentiality**

Members of the Board of Directors and Advisory Board must maintain the highest standards of confidentiality regarding information obtained directly or indirectly through their involvement with the OCHFT. This includes but is not limited to information about applications for funding, OCHFT members and their organizations and funded agencies. Members must also avoid inadvertent disclosure of confidential information through casual public discussion, which may be overheard or misinterpreted. Notwithstanding the foregoing, when applicable, the California Public Records Act and Ralph M. Brown Act apply to the OCHFT.

### **Section D: Gifts or Honoraria**

It is not permissible for members of the Board of Directors and Advisory Board to offer or accept gifts, gratuities, excessive favors or personal rewards intended to influence OCHFT decisions or activities.



**Section G: Harassment**

Harassment, interpreted as unwelcome conduct, comment, gesture, contact, or intimidating and offensive behavior likely to cause offense or humiliation, will not be tolerated and may result in disciplinary measures up to and including removal from OCHFT Board.

**Section H: Laws and Regulations**

OCHFT business will be conducted in a manner that reflects the highest standards and in accordance with all federal, state, and local laws and regulations.