

Sacramento City and County Continuum of Care

GOVERNANCE CHARTER

**Sacramento City and County Continuum of Care
Governance Charter**

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Overview

The U.S. Department of Housing and Urban Development (HUD) charges communities that receive funds under the Homeless Continuum of Care Program (hereinafter referred to as “CoC Program”) of the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) with specific responsibilities. Section 578.5 of the HEARTH Interim Rule published in July 2012 (Interim Rule), defines a Continuum of Care (CoC) as “the group organized to carry out the responsibilities required under this part and that is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate.” Relevant organizations in the Sacramento City and County established the CoC and its Advisory Board in 2014, which has since served as the CoC coordinating body acknowledged by HUD. The CoC Advisory Board is instituted as an unincorporated association. Any change to formal legal structure would require amendment to the governance charter.

Name

The name of the organization is Sacramento City and County Continuum of Care Advisory Board (hereafter referred to as the “CoC Advisory Board”).

Part I. Establishment of the CoC Advisory Board

A. Purpose

The CoC Advisory Board has two objectives: to ensure HUD funding for the Sacramento Continuum of Care; and to provide policy recommendations to the Sacramento Steps Forward Board of Directors. The advisory functions of the CoC Board are authorized through the provisions of the Articles of Incorporation and Bylaws for the SSF Board. The CoC Advisory Board serves as the HUD-designated primary decision making group whose major duties and scope are to operate the Continuum of Care, to designate an HMIS for the Continuum of Care and to plan for the Continuum of Care. As noted in § 578.1 Purpose and scope of the Interim Rule of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), the plan is designed to:

- Promote community-wide commitment to the goal of ending homelessness;
- Provide funding for efforts by nonprofit providers, States, and local governments to quickly rehouse homeless individuals (including unaccompanied youth) and families, while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness;
- Promote access to and effective utilization of mainstream programs by homeless individuals and families; and
- Optimize self-sufficiency among individuals and families experiencing homelessness.

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Part II. Responsibilities of the CoC Advisory Board

A. Operating the CoC

The CoC Advisory Board will:

1. Hold meetings of the full membership, with published agendas, at least quarterly;
2. Issue public invitation for new members to join at least annually;
3. Follow and update annually a governance charter;
4. Continue development of governance charter to include all procedures and policies including those required by all funding sources including written standards for funding assistance, strategic planning project evaluation, and HMIS requirements;
5. Appoint Advisory Committees, subcommittees, or workgroups;
6. Consult with recipients and sub-recipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;
7. Evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report to HUD and other funders;
8. In consultation with recipients of HUD CoC Program and Emergency Solutions Grants program funds in Sacramento, establish and operate a coordinated entry and assessment system that complies with any requirements established by HUD by notice; and
9. In consultation with recipients of HUD CoC Program and Emergency Solutions Grants program funds in Sacramento, establish and consistently follow written standards for providing Continuum of Care assistance.

B. CoC Planning

To serve as the coordinating body to end homelessness in Sacramento, the CoC Advisory Board will

1. Coordinate the implementation of an effective housing and service system including outreach, engagement, assessment, prevention, shelter, housing, and supportive services in Sacramento;
2. Plan for and conduct an annual Point-In-Time Count (PIT) of homeless persons in Sacramento;
3. Conduct an annual gaps analysis of the homeless needs and services available;
4. Provide information required to complete the Consolidated Plan(s), Annual Action Plans and Consolidated Annual Performance Reports (CAPERs) in Sacramento; and
5. Consult with State and local government Emergency Solutions Grants program recipients in Sacramento on the plan for allocating Emergency Solutions Grants program funds and reporting on and evaluating the performance of Emergency Solutions Grants program recipients and sub-recipients.

C. Designating and Operating HMIS

The CoC Advisory Board will:

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

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D. Preparing Applications for Funds

The CoC Advisory Board will:

1. Design, operate, and follow a collaborative process for development of applications for funding;
2. Approve submission of applications in response to a HUD CoC Program notice of funding availability (NOFA) among other funding opportunities;
3. Establish priorities for funding projects; and
4. Ensure that only one application for HUD CoC Program funds be submitted and collect and combine required application information from all approved projects in Sacramento.

E. Additional Responsibilities

1. Monitor Performance:
 - a. Monitor community progress in ending homelessness in Sacramento;
 - b. Establish and monitor HUD CoC project performance targets and metrics;
 - c. Approve CoC Advisory Board policies: Including HUD CoC funding recommendations and written standards for providing assistance; and
 - d. Approve Selection of and provide direction to: HUD Collaborative Applicant, and HMIS Lead.
2. Select Advisory Board Members annually and fill vacancies; subject to the Advisory Board composition, member selection, membership ratification and related requirements.
3. Fundraise:
 - a. Authorize grant applications;
 - b. Raise and allocate funds;
 - c. Approve sustainability plans; and
 - d. Ensure that relevant organizations and projects serving various homeless subpopulations are represented in planning and decision-making.
4. Members of the Board serve as liaisons to other community stakeholders; build community awareness inclusive of the needs of all homeless populations found in the region.

Part III. Membership

A. Members

1. The CoC has established an Advisory Board to include representatives from relevant stakeholders and will include a broad representation of key stakeholder groups found within Sacramento as articulated in the HUD Interim Rule. Subpopulations represented may include but are not limited to the chronically homeless; veterans; families with children; unaccompanied youth; the seriously mentally ill; victims of domestic violence, persons with substance use disorders; and persons with HIV/AIDS.
 - a. Members shall be drawn from the categories set forth in the published Interim Final Rule.
2. Board composition shall be reviewed annually.
3. One board member may represent more than one subpopulation or affiliation.
4. The board shall include at least one homeless or formerly homeless individual.
5. Seats will be designated by affiliation, community sector, and subpopulation.

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B. Process for Board Selection

1. Annual election:
The CoC Advisory Board will issue a public call for member applications annually. Applications will be reviewed by the Nominating Committee and qualified applicants will be considered in relation to the existing board composition. The Nominating Committee will recommend a slate of candidates, including any renewing board members for election at the annual meeting.
2. Vacancies:
In the event of a vacancy, the Advisory Board may appoint such qualified person(s) necessary to fill the vacancy. The person(s) appointed shall serve the unexpired term of the previous Board Member, and is subject to re-election by the CoC Advisory Board. The CoC Advisory Board desires to maintain a composition representative of the community as stated in Part III, Section A, closely following guidelines provided by HUD for such Advisory Boards. Therefore, priority for filling vacancies of sitting CoC Board members shall be given to candidates representing either the same, or a closely related category, as that of the vacated position. In the absence of such a candidate, priority shall be given to candidates from other categories stated in Part III, Section A or succeeding amendments, which are unrepresented by the sitting members of the CoC Board. Priority for filling any newly created board positions shall be from any unrepresented category which the CoC Advisory Board deems necessary to fulfill its purpose.
3. A simple majority vote of the sitting CoC Board membership shall be sufficient to fill a vacant position. Candidates filling the vacancy of a sitting board member shall fulfill the remaining term of that member. Candidates fulfilling a vacant term are eligible to be re-elected to fulfill a full term without regard to the prior service
4. The CoC Advisory Board provides Sacramento Steps Forward the authority to establish administrative procedures to facilitate the candidate recommendation process. Such procedures shall include a candidate's relevant experience, knowledge of the Sacramento Continuum, and at least one professional letter of recommendation be made available to all CoC Board members for review prior to calling for a vote. Voting shall be conducted at a duly scheduled and noticed meeting at which a quorum is present.
5. Election of the Board Members should be staggered to ensure continuity; one-third will be up for election each year.
6. Regular attendance and participation in board activities is required. Members of the CoC Advisory Board must actively participate in 50% of meetings in order to remaining in good standing. Members failing to meet the attendance and participation standard shall be subject to removal and replacement.

C. Advisory Board Member Selection Criteria

CoC Advisory Board Members are selected to represent various constituencies. In order to adequately represent that constituency, Board Members shall meet basic qualifications including the following:

1. Sufficient knowledge and a working relationship with the constituency group;
2. Capacity to read and assess detailed information;
3. Ability to work effectively on a team;
4. Capacity to consider the benefit of the CoC Advisory Board as a whole;
5. Ability to meet the timelines/demands of funding sources;
6. Respectful acknowledgement of the rights of homeless persons; and

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7. Eligible to conduct business with a governmental entity (i.e., not debarred or suspended).

D. Board Composition

The CoC Advisory Board shall have a minimum of fifteen (15) and maximum of twenty-five (25) seats. Members must be able to represent an array of community sectors, special needs populations.

E. Terms

The standard term of office for CoC Advisory Board members shall be two (2) years. Members may renew their terms up to two (2) times, for a maximum duration of service of six (6) consecutive years. Terms shall be based upon the CoC Advisory Board's annual year of March through February. Members who begin their first terms mid-year shall be assigned a first term end date of the February of the second year following the month in which they joined the Board.

F. Removal of a Director

The CoC Board may recommend the removal of a Director for just cause by a two-thirds (2/3) vote of the CoC Board members in attendance at a meeting where a quorum is present. Members may motion for removal of another CoC Board member by providing written notice and specified reasons for removal. The item so noticed must be placed on the agenda for that meeting. Just cause for removal includes, but is not limited to, failure to attend three consecutive meetings without good cause, failure to disclose a conflict of interest, and intractable disruptive demeanor. Good cause for failure to attend meetings includes, but is not limited to, illness or death of a family member.

In the event of a vacancy, the CoC Board shall designate a new representative, except that a Director removed pursuant to this section is not eligible for reinstatement for a least one (1) year after removal.

Part IV. Board Leadership

A. Officers

The officers of the CoC Board shall be a Chair, Vice Chair, and Secretary.

B. Election and Term of Office

The Nominating Committee will be responsible for soliciting nominations for officer candidates from among the returning members of the Advisory Board. Final candidates shall be included in the slate of candidates as a part of the annual election of members. The term of office will be one (1) year or until a replacement is elected.

C. Duties of Chair

The Chair of the CoC Board shall be responsible for setting meeting agendas, leading CoC Board meetings in accordance with this charter, and for the integration of information and recommendations that arise from the various committees. These duties shall be accomplished through collaboration and/or delegation to SSF.

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D. Duties of Vice Chair

The Vice Chair of the CoC Board shall be responsible for leading CoC Board meetings when the Chair is unavailable or has recused him/herself, for reviewing meeting minutes prepared by SSF, and for ensuring the Performance Review Committee meetings are progressing in a manner consistent with the CoC Advisory Board's direction. These duties shall be accomplished through collaboration and/or delegation to SSF.

E. Duties of Secretary

The Secretary of the CoC Board shall be responsible for the election of officers and members as the Chair of the Nominating Committee, in accordance with this charter, and for ensuring the Interest Committees are progressing in a manner consistent with the CoC Board's direction. These duties shall be accomplished through collaboration and/or delegation to SSF.

Part V. Meetings and Coordination

A. Meeting and Meeting Schedule

1. Meetings of the CoC Advisory Board shall not be subject to the Ralph M. Brown Act. However, all meetings shall be open to the public except as otherwise determined by the Board for reasons, including, but not limited to, discussion of anticipated or pending legal or personnel matters. Any person who attends a CoC meeting may be asked to leave if the person is verbally or physically disruptive.
2. A CoC Advisory Board annual calendar will establish a regular meeting day, time, and location and will follow schedule for the calendar year.
3. The full membership shall convene at least quarterly for the purpose of transacting the business of the CoC.
4. Meetings may include the use of technological devices for remote participation as necessary.

B. Annual Meeting

1. Full CoC Advisory Board membership shall meet annually to elect the slate of new and renewing Advisory Board Members, elect the Officers of the Board, review and approve changes to the Governance Charter, and receive the annual meeting calendar.
2. The notice of annual meeting shall be published on the SSF website and distributed electronically to all Members at least seven (7) days prior to the scheduled meeting.
3. The annual meeting shall take place in March, unless a change is noticed by the Chair.

C. Special and Emergency Meetings

1. Special meetings of the CoC Advisory Board may be requested and notice provided by email to each Member at least 48 hours prior to the meeting.
2. Special and emergency meetings of the CoC Advisory Board may be called at any time by the Executive Committee or upon the request by ten (10) or more Members.

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D. Meeting Notices

The CoC Advisory Board meeting agendas shall be distributed via e-mail and posted on the Sacramento Steps Forward website.

1. Notice of meetings shall specify the place, day and hour of the meeting. In addition, notice shall include an agenda, as well as stipulations for participants required to give specific reports.
2. An annual calendar of regular meetings shall be presented at the annual meeting and shall be distributed to all Members electronically and published to the SSF website.
3. All meetings of the CoC Board, except as otherwise provided herein, shall be held upon four (4) business days' notice by email and/or phone.

E. Quorum

1. A quorum shall consist of 50% of eligible voters for CoC Advisory Board meetings;
2. No business may be officially transacted without a quorum.
3. Every act or decision done or made by a majority of the sitting CoC Advisory Board members present at a meeting duly held at which a quorum is present is an act of the CoC Advisory Board.

F. Voting

1. Voting privileges are limited to one vote per member.
2. New Members must have attended at least one (1) meeting before being eligible to vote.
3. All Members must declare any conflict of interest they or their organization has on any voting issue. Members shall abstain from voting on any issue in which they, or their organizations, have a conflict of interest.

G. Meeting Minutes

1. Minutes of the meetings will be produced and maintained by CoC staff or other individual designated by the Chair.
2. Meeting minutes shall be electronically distributed to all CoC Advisory Board Members and posted on the SSF website.

H. Parliamentary Procedure

Any question concerning parliamentary procedure at meetings shall be determined by the Chair by reference to Robert's Rules of Order.

I. Member Conflict of Interest

The CoC Advisory Board shall have a conflict of interest policy that specifies the process for member recusal from impacted decisions. Members shall disclose conflicts of interest by completing and signing a Conflict of Interest Statement at the CoC's annual meeting in March.

J. Recusal Policy

Board members must recuse themselves from the decision-making or evaluation process when a person or organization conflict exists, and may not participate in absentia through electronic or other means.

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K. Restriction Regarding Interested Directors

Notwithstanding any other provision of this Charter, none of the persons serving on the CoC Advisory Board, shall derive any personal or professional profit or gain, directly or indirectly, due to participation with this Board.

1. Each individual shall disclose any personal interest that he or she may have in any matter pending before the CoC Advisory Board, and shall refrain from participation in any decision on such matters.
2. Any member of this CoC Advisory Board, or any of its committees, shall refrain from obtaining any list or funding opportunities, clients, or program designs for personal or private solicitation purposes at any time during the term of affiliation.

L. Compensation

CoC Board members shall serve without compensation.

Part VI. Committees

The CoC Advisory Board shall ensure that Standing Committee(s) are established to monitor the activities related to the various services and initiatives within the Continuum.

1. Standing committees will be reviewed annually at a minimum or as needed.
2. These committees may convene ad hoc or standing subcommittees as needed.
3. In order to address the multitude of services and initiatives, the committees can include staff from the agencies represented on the CoC Advisory Board as well as other representatives of the CoC.
4. Meetings and action of committees shall not be governed by the provisions of this charter concerning meetings of the CoC Advisory Board, unless the Chair determines otherwise.
5. All committee meetings shall be documented in a manner determined by the Chair.
6. The Chair shall ensure that committee activities are reported and acted upon at subsequent CoC Board meetings as necessary.

A. Standing Committees

1. Except as otherwise authorized by the CoC Advisory Board, committees will be comprised of members of the CoC and at least one board member and any other members invited by committee chair.
2. Each Committee will have a Chairperson and a Co-Chairperson, appointed by the Executive Committee.
3. Each Committee will establish regular recurring meetings and publish an annual calendar on the SSF website and distribute calendar to full CoC membership.
4. Each Committee will distribute a written agenda to all committee members at least 24 hours prior to each meeting.
5. Each Committee will record meeting minutes or notes of each official committee meeting and distribute to all committee members and publish on the SSF website.

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6. Each Committee may meet at any time during the intervals between Advisory Board meetings at a location determined by the committee members, or at the request of the Advisory Board. Each committee will report the results of its meetings to the CoC Advisory Board at quarterly meetings.
7. SSF staff, with assistance from Committee Chair, shall be responsible for tracking attendance and maintaining compliance with these rules.
8. The CoC Advisory Board may by majority vote, create sub-committees necessary for the proper and efficient functioning of the CoC as long as these committees do not interfere with or duplicate the duties of any existing Committee.
9. The Board can establish a Task Force or Action Committee to achieve specific or time-limited objectives.

B. Executive Committee

The CoC Advisory Board shall ensure that an Executive Committee is established, composed of the three officers of the CoC Advisory Board. Meetings may be held in case of urgent matters when deemed necessary by the CoC Board Chair, or when two members of the Executive Committee if the CoC Advisory Board is unable to meet. Any two Executive Committee members shall constitute a quorum for the Executive Committee. Action by the Executive Committee is by a majority vote of committee members present. The Executive Committee may act in the absence of the CoC Advisory Board, and time-sensitive decisions of the Executive Committee must be referred to the full CoC Advisory Board for ratification.

C. Leadership Committee

Comprised of the Executive Committee and all the Chairs/Co-Chairs of the CoC Standing Committees. Its purpose is to support the working details of the CoC in moving forward the CoC's Strategic Plan.

D. Coordinated Entry and Assessment Committee

Responsible for the design, implementation, success and on-going evaluation of the local system to triage, prioritize and track consumers of the Continuum.

E. Housing Committee

Responsible for developing and coordinating initiative and making recommendations related to permanent housing for people experiencing homelessness to the CoC Advisory Board.

F. Crisis Response Committee

Responsible for developing a system with "same-day" response so that individuals do not stay more than 30 days in a shelter before accessing permanent housing.

G. Employment and Income Committee

Responsible for developing and coordinating initiatives and specific programs that increase

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employment for consumers of the CoC.

H. Health Committee

Responsible for developing and coordinating initiatives and specific programs that increase health care access for consumers of the CoC.

I. Performance Review Committee

Responsible for establishing and conducting year round project performance and evaluation as required for HUD-funded activities. The Performance Review Committee is responsible for assessing when CoC projects fit within the needs of the community, making recommendations on performance of both projects and the CoC's impact on homeless sub-populations. The Performance Review Committee is also charged with the development and application of the Review & Rank process for the HUD CoC Application. The Performance Review Committee shall make recommendations to the CoC Advisory Board on ranking of CoC projects.

J. Nominating Committee

Responsible for the CoC Governance structure, this Committee evaluates and recommends changes to improve the structure and ensure it is operating in an optimum way to meet the mission. It reviews Board Member applications/nominations, reviews solicitation responses and provides recommendations to the Board. It also reviews the Governance Charter and provides recommendations to the Board for amendments. The Committee also develops strategies and approaches to engage new CoC members to expand membership of underrepresented sectors in the CoC.

K. HMIS & Data Committee

Responsible for evaluating the HMIS data of the CoC, insuring it has accurate, timely and comprehensive information required to end homelessness and making recommendations for improvement. This includes data analysis, systems mapping, Point in Time Count information, data security and anything else deemed necessary. This committee also monitors best-in-class homeless data systems throughout the United States and recommends changes in our region.

L. Homeless Youth Committee

Responsible for developing and coordinating initiatives and specific programs focusing on the homeless youth and transitional age youth. Committee provides guidance to the Advisory Board on strategies for locating this population for the bi-annual PIT, as well as representing the special needs of this population within the larger CoC framework.

M. Task Groups

Periodically, the CoC needs to complete specific, time limited tasks in order to comply with regulatory demands or to advance the goals and objectives of the full body. At the request of the Advisory Board, selected group of members and community volunteers may be asked to form a temporary Task Group to complete the identified task. These groups perform specific functions

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associated with completion of the task and are guided by and report to one of the established CoC groups which may include the Advisory Board, or one of its Standing Committees. Task groups are temporary in nature and are not expected to offer continuous or year-round support to the CoC.

Part VII: Strategic Planning

As required by the published Interim Final Rule, the CoC Advisory Board shall update as needed long-range planning tools to assure the coordination of a system of care that meets the needs of homeless families and individuals that includes at a minimum:

1. Outreach, engagement, and assessment;
2. Shelter, housing, and supportive services;
3. Prevention strategies;
4. Biennial PIT count (plan and conduct);
5. Annual gaps analysis of homeless needs and services available;
6. Provide information required to complete the Consolidated Plan; and
7. Consult with ESG Recipients on a plan for allocation of ESG funds and performance evaluation and reporting.

Part VIII. Infrastructure Organization

In order to realize collective impact and provide centralized infrastructure with dedicated staff and a structured process that leads to a common agenda, shared measurement, continuous communication, and mutually reinforcing activities among all participants, the CoC will utilize an infrastructure organization to assume operational responsibilities for the HUD CoC and beyond.

A. Infrastructure Organization Responsibilities

The Sacramento CoC Advisory Board designates Sacramento Steps Forward as the HUD Collaborative Applicant and sole provider of comprehensive administrative management for the CoC. As the CoC Infrastructure Organization, Sacramento Steps Forward shall:

1. Serve as HUD Collaborative Applicant;
2. Submit HUD CoC program application;
3. Submit other funding applications;
4. Contract or hire CoC staff;
5. Conduct funded project monitoring and performance evaluation;
6. Report progress to full CoC membership and Advisory Board;
7. Support Advisory Board and Standing Committees;
8. Implement initiatives as directed by the Advisory Board to enhance CoC performance;
9. Monitor best practice homeless initiatives and make recommendations;
10. Raise funds; and

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11. Expand and maintain CoC membership through proactive engagement of key stakeholders, outreach to and coordination with other community groups, creation of outreach materials including but not limited to interactive website, social media campaigns, and community education.

B. HMIS Lead Agency

The Sacramento CoC Advisory Board designates Sacramento Steps Forward as the HMIS Lead Agency and sole provider of a single, comprehensive HMIS for the CoC. As HMIS Lead Agency, Sacramento Steps Forward shall:

1. Set and monitor HMIS Policies & Procedures;
2. Ensure participation in HMIS by all Recipients and Sub-recipients;
3. Ensure HMIS is administered in compliance with HUD requirements;
4. Maintain a privacy plan, security plan, and data quality plan meeting all HUD requirements;
5. Adopt HMIS Lead Agency charter for approval by the CoC Advisory Board;
6. Plan and conduct Point in Time Count; and
7. Produce annual and CoC-level Data Reports (Housing Inventory Chart, Annual Homeless Assessment Report, other publications, performance reports).

Adopted:

1/17/2014

Amended:

11/11/2015

Revised:

9/14/16

Signed by:

William Knowlton, Secretary
CoC Advisory Board

_9/14/16_____

Date

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Appendix A: Subpart B of the Interim Rule

Subpart B – Establishing and Operating a Continuum of Care

§ 578.5 Establishing the Continuum of Care.

(a) The Continuum of Care. Representatives from relevant organizations within a geographic area shall establish a Continuum of Care for the geographic area to carry out the duties of this part. Relevant organizations include nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve veterans and homeless and formerly homeless individuals.

(b) The board. 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 board must:

- (1) Be representative of the relevant organizations and of projects serving homeless subpopulations; and
- (2) Include at least one homeless or formerly homeless individual.
- (c) Transition. Continuums of Care shall have 2 years to comply with the requirements of paragraph (b) of this section.

§ 578.7 Responsibilities of the Continuum of Care.

(a) Operate the Continuum of Care. The Continuum of Care must:

- (1) Hold meetings of the full membership, with published agendas, at least semi-annually;
- (2) Make an invitation for new members to join publicly available within the geographic at least annually;
- (3) Adopt and follow a written process to select a board to act on behalf of the Continuum of Care. The process must be reviewed, updated, and approved by the Continuum at least once every 5 years;
- (4) Appoint additional committees, subcommittees, or workgroups;
- (5) In consultation with the collaborative applicant and the HMIS Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with subpart B of this part and with HMIS requirements as prescribed by HUD; and a code of conduct and recusal process for the board, its chair(s), and any person acting on behalf of the board;

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(6) Consult with recipients and sub-recipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;

(7) Evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report to HUD;

(8) In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and operate either a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The Continuum must develop a specific policy to guide the operation of the centralized or coordinated assessment system on how its system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim service providers. This system must comply with any requirements established by HUD by Notice.

(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:

- (i) Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
- (ii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
- (iii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance;
- (iv) Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;
- (v) Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
- (vi) Where the Continuum is designated a high-performing community, as described in Subpart G, policies and procedures set forth in 24 CFR 576.400(e)(vi), (e)(vii), (e)(viii), and (e)(ix).

(b) Designating and operating an HMIS. The Continuum of Care must:

(1) Designate a single Homeless Management Information System (HMIS) for the geographic area;

(2) Designate an eligible applicant to manage the Continuum'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 HMIS.

(4) Ensure consistent participation of recipients and sub-recipients in the HMIS; and

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(5) Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

(c) Continuum of Care planning. The Continuum must develop a plan that includes:

(1) Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system encompasses the following:

- (i) Outreach, engagement, and assessment;
- (ii) Shelter, housing, and supportive services;
- (iii) Prevention strategies.

(2) Planning for and conducting, at least biennially, a point-in-time count of homeless persons within the geographic area that meets the following requirements:

- (i) Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
- (ii) Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
- (iii) Other requirements established by HUD by Notice.

(3) Conducting an annual gaps analysis of the homeless needs and services available within the geographic area;

(4) Providing information required to complete the Consolidated Plan(s) within the Continuum's geographic area;

(5) Consulting with State and local government Emergency Solutions Grants program recipients within the Continuum's geographic area on the plan for allocating Emergency Solutions Grants program funds and reporting on and evaluating the performance of Emergency Solutions Grants program recipients and sub-recipients.

§ 578.9 Preparing an application for funds.

(a) The Continuum must:

(1) Design, operate, and follow a collaborative process for the development of applications and approve the submission of applications in response to a NOFA published by HUD under §578.19 of this subpart;

(2) Establish priorities for funding projects in the geographic area;

(3) Determine if one application for funding will be submitted for all projects within the geographic area or if more than one application will be submitted for the projects within the geographic area;

- (i) If more than one application will be submitted, designate an eligible applicant to be the collaborative applicant that will collect and combine the required application information from all applicants and for all projects within the geographic area that the Continuum has

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selected funding. The collaborative applicant will also apply for Continuum of Care planning activities. If the Continuum is an eligible applicant, it may designate itself;

(ii) If only one application will be submitted, that applicant will be the collaborative applicant and will collect and combine the required application information from all projects within the geographic area that the Continuum has selected for funding and apply for Continuum of Care planning activities;

(b) The Continuum 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 Continuum. This includes approving the Continuum of Care application.

§ 578.11 Unified Funding Agency.

(a) **Becoming a Unified Funding Agency.** To become designated as the Unified Funding Agency (UFA) for a Continuum, a collaborative applicant must be selected by the Continuum to apply to HUD to be designated as the UFA for the Continuum.

(b) **Criteria for designating a UFA.** HUD will consider these criteria when deciding whether to designate a collaborative applicant a UFA:

- (1) The Continuum of Care it represents meets the requirements in § 578.7;
- (2) The collaborative applicant has financial management systems that meet the standards set forth in 24 CFR part 84.21 (for nonprofit organizations) and 24 CFR part 85.20 (for States);
- (3) The collaborative applicant demonstrates the ability to monitor sub-recipients; and
- (4) Such other criteria as HUD may establish by NOFA.

(c) **Requirements.** HUD-designated UFAs shall:

- (1) Apply to HUD for funding for all of the projects within the geographic area and enter into a grant agreement with HUD for the entire geographic area.
- (2) Enter into legally binding agreements with sub-recipients, and receive and distribute funds to sub-recipients for all projects within the geographic area.
- (3) Require sub-recipients to establish fiscal control and accounting procedures as necessary to assure the proper disbursement of and accounting for federal funds in accordance with the requirements of 24 CFR parts 84 and 85 and corresponding OMB circulars.
- (4) Obtain approval of any proposed grant agreement amendments by the Continuum of Care before submitting a request for an amendment to HUD.

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§ 578.13 Remedial action.

(a) If HUD finds that the Continuum of Care for a geographic area does not meet the requirements the Act or its implementing regulations, or that there is no Continuum for a geographic area, HUD may take remedial action to ensure fair distribution of grant funds within the geographic area. Such measures may include:

- (1) Designating a replacement Continuum of Care for the geographic area;
- (2) Designating a replacement collaborative applicant for the Continuum's geographic area;
and
- (3) Accepting applications from other eligible applicants within the Continuum's geographic area.

(b) HUD must provide a 30-day prior written notice to the Continuum and its collaborative applicant and give them an opportunity to respond.