



Imperial Valley Continuum of Care Council Charter

Prepared by the Executive Board of the
IVCCC Prepared by the Executive Board of the
IVCCC in consultation with the County of
Imperial, as the HMIS lead and collaborative
applicant

201~~9~~⁸

This document summarizes the Responsibilities and Authorities for
Operation and Governance of the Imperial Valley -Continuum of Care Council
(IVCCC) by the Executive Board of the IVCCC.

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RECITALS

NAME: **Imperial Valley Continuum of Care Council (IVCCC)**

ADDRESS: The IVCCC is located in the County of Imperial within the State of California. The IVCCC office of record will be the address and point of contact of the identified HUD Collaborative Applicant. Currently: ~~Catholic Charities~~ 250 W Orange Avenue Imperial County Department of Social Services, 2995 S. Fourth Street, El Centro, CA 92243

ARTICLE I. IMPERIAL VALLEY CoC GEOGRAPHIC ~~BOUNDARIES~~ AREA

1.01. ~~BOUNDARIES~~ GEOGRAPHIC AREA

The Imperial Valley –Continuum of Care Council (hereinafter referred to as the “CoC”) geographic area includes all of the geography within the County of Imperial ~~Valley~~, including seven (7) incorporated cities ~~and all unincorporated areas including~~, eight (8) unincorporated communities, and all other unincorporated areas. The physical bounds of this geography are consistent with the boundaries inclusive of these areas. These boundaries contain other Housing and Urban Development (hereinafter referred to “HUD”) designated program components.

ARTICLE II. ESTABLISHMENT OF THE CoC

2.01. 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. The Code of Federal Regulations (24 C.F.R. Section 578.35) 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 Imperial Valley CoC Region established the Imperial Valley Continuum of Care Council (IVCCC) in 2005, originally known as Imperial County Regional Taskforce on Homelessness, followed by the name change to Imperial Valley Homeless Taskforce in 2013, to the current name of IVCCC, so designated by the IVCCC Executive Board. The IVCCC serves as the CoC coordinating body acknowledged by HUD.

Planning and operations of the Imperial Valley CoC ~~—~~have historically been facilitated through the IVCCC, an unincorporated association as defined under Section 18035 of the California Corporations Code. As a result, the general operations of the CoC have been guided through the ~~By-Laws~~, structure, and action of the IVCCC.

ARTICLE III. MISSION AND PURPOSE

3.01. MISSION

The mission of the Imperial Valley -Continuum of Care Council (IVCCC) is to engage organizations in a community-based process that works to end homelessness for all individuals and families throughout the region.

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to address the underlying causes of homelessness, and to lessen the negative impact of homelessness on individuals, families, and communities.

3.02. SPECIFIC PURPOSES

In 2016, the IVCCC began a transformation to expand membership, seat an inaugural Governance Board, facilitate compliance with new federal regulations and guidelines, and address local gaps in community coordination and planning. As such, the below IVCCC outlines the responsibilities and authorities of the different components that make up the IVCCC including: IVCCC membership, advisory committees, and the governance board.

- A. Collaboration: The board and members of the IVCCC will work together to achieve common purposes:
1. Promote community-wide commitment to the goal of ending homelessness in Imperial County;
 2. Provide opportunity for regional coordination and inter-agency collaboration;
 3. Promote access to and effective utilization of mainstream programs by homeless individuals and families;
 4. Promote the strategic use of available resources;
 5. Inform local planning processes;
 6. Inform stakeholders of actions impacting homelessness;
 7. Advocate for the homeless in areas where they have limited access;
 8. Ensure availability of a 'Continuum of Care' region-wide that meets requirements under the HEARTH Interim Rule Part 578 of Title 24 of the Code of Federal Regulations, 578.5;
 9. Coordinate responses to funding opportunities for housing assistance for the homeless;
 10. Work on specific goals established in applications for funding; and
 11. Optimize self-sufficiency among individuals and families experiencing homelessness.
- B. Actions: The IVCCC will:
1. Foster the plan for a permanent system focused on ending homelessness;
 2. Help to ensure access for homeless persons to quality services and facilities in all phases of the Continuum of Care system;
 3. Work to coordinate services throughout the region to ensure that each special needs population has access to services;
 4. Provide a seamless system of care for transition from the street to permanent housing;
 5. Support development of a regional strategic plan to address homelessness in the Imperial Valley Region;
 6. Establish and evaluate standards and service targets with an eye for continuous improvement; and
 7. Actively recruit new and diverse membership.

ARTICLE IV. RESPONSIBILITIES OF THE IVCCC

4.01. OPERATING THE CoC

The IVCCC will:

- A. Hold meetings of the full membership, with published agendas, monthly, or at least quarterly;
- B. Issue public invitation for new members to join at least annually;
- C. Follow and update annually a governance charter;
- D. 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;

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- E. Follow 'Board Member Selection Process' hereto outlined in Section 6.05 to select a board to act on behalf of the Continuum of Care. The process will be reviewed, updated (as applicable), and approved annually by the Continuum as part of its charter;
- F. Select organization(s) to assume operational responsibilities including HUD CoC Program Collaborative Applicant, HMIS Lead, Staff, Project Monitoring, and preparing the HUD IVCCC Application;
- G. Appoint Advisory Committees, subcommittees, or workgroups;
- H. 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;
- I. Evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report to HUD and other funding entities, as requireders;
- J. In consultation with recipients of HUD CoC Program and Emergency Solutions Grants program funds within the Imperial Valley -Region, establish and operate a centralized or coordinated assessment system that complies with any noticed requirements established by HUD ~~by notice~~; and
- K. In consultation with recipients of HUD CoC Program and Emergency Solutions Grants program funds within the Imperial Valley -Region, establish and consistently follow written standards for providing Continuum of Care assistance.

4.02. CoC PLANNING

To serve as the regional coordinating body to end homelessness in the Imperial Valley Region, the IVCCC will:

- A. Coordinate the implementation of an effective housing and service system including outreach, engagement, assessment, prevention, shelter, housing, and supportive services within the Imperial Valley Region ~~Region~~;
- B. Plan for and conduct an annual Point-In-Time (PIT) Count ~~(PITC)~~ of homeless persons within ~~the~~ Imperial Valley Region;
- C. Conduct an annual gaps analysis of the homeless needs and services available within the Imperial Valley ~~Region~~;
- D. Provide information required to complete the Consolidated Plan(s) within the Imperial Valley Region; and
- E. Consult with State and local government Emergency Solutions Grants program recipients within the Imperial Valley Region 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.

4.03. DESIGNATING AND OPERATING HMIS

The IVCCC will:

- A. Designate a single Homeless Management Information System (HMIS) for the Imperial Valley Region;
- B. Designate an eligible applicant to manage the Continuum's HMIS, known as the HMIS Lead;
- C. Review, revise, and approve (i) privacy, (ii) security, and (iii) a data quality plan for the HMIS;
- D. Ensure consistent participation of recipients and sub-recipients in the HMIS; and
- E. Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

4.04. PREPARING APPLICATIONS FOR FUNDS

The IVCCC will:

- A. Design, operate, and follow a collaborative process for development of applications for funding;
- B. Approve submission of applications in response to a HUD CoC Program notice of funding availability (NOFA) among other funding opportunities;
- C. Establish priorities for funding projects;
- D. Ensure that only one application for HUD CoC Program funds be submitted and collect and combine required application information from all approved projects within Imperial Valley Region; and

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- E. Seek and secure funding for IVCCC operations and infrastructure, including but not limited to HUD Planning Grant funds.

4.05. ADDITIONAL RESPONSIBILITIES

The IVCCC shall have additional responsibilities, including but not limited to:

- A. Establish the *COC Lead* for purposes of HUD and other applications (-See Designated Point of Contact, Article IX)
- B. Engage organizations in a community-based process;
- C. Convene regular meetings of interested stakeholders;
- D. Work to address the underlying causes of homelessness;
- E. Lessen the negative impact of homelessness on individuals, families, and communities;
- F. Promote a region-wide IVCCC ;
- G. Foster collaboration;
- H. Develop a permanent system to end homelessness;
- I. Provide access to quality services region-wide;
- J. Ensure access to services to all subgroups;
- K. Ensure access to a full range of services from street outreach to permanent housing;
- L. Facilitate sharing of provider expertise and intervention strategies;
- M. Create, inform, and support the development of regional plans;
- N. Provide a consistent source of data regarding the needs for homeless persons;
- O. Educate stakeholders about regulatory actions and other conditions impacting the IVCCC ;
- P. Advocate for policies and essential services that promote fair housing, client well-being, and rights and protections under the law;
- Q. Assist homeless service providers in acquiring funds dedicated to homelessness.

4.06. LIMITATIONS

- A. The IVCCC will not engage in activities in favor or against any political campaign on behalf of candidates for public office, except as the law affords to as the rights and privileges of its members; and
- B. The IVCCC will not convene members to conspire or to promote the support of activities that are deemed illegal activities under the law.

ARTICLE V. IVCCC MEMBERSHIP

5.01. STAKEHOLDERS

The IVCCC shall garner community-wide commitment to ending and preventing homelessness in all parts of the region through inclusion of representation from the entire Imperial County geographic area. In addition to the entities identified in ~~Interim Rule 24 C.F.R. Section 578.5~~, IVCCC membership includes a variety of other community stakeholders to the extent that they are invested in ending homelessness in the Imperial Valley Region. Examples of additional stakeholders include private foundations, philanthropists, fraternal organizations, employment development, organized labor, and private health service organizations.

5.02. APPLICATION PROCESS

Interested organizations and individuals can join the IVCCC by attending a regularly scheduled meeting, completing a membership application, and committing to participate in the work of the IVCCC to achieve stated purposes and goals. IVCCC members obtain and retain voting privileges through attendance and participation in accordance with established policies.

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New Organizational Members-complete the-membership application that identifies the components of the -IVCCC work that the organization will participate in. An Organizational Member may designate up to three (3) persons annually who are authorized to represent the organization at IVCCC meetings. Any one organization can only have one vote. In the case of County of Imperial departments, each department is considered a single organization and may also designate up to three (3) persons authorized to represent the department at CoC meetings; each department can only have one vote.

An organization representative may represent only one organization. Individuals may also become members of the IVCCC. However, Individual Members may not designate additional persons to represent them. Individuals who have a recognized role in a member organization (such as employees, board members, consultants, or current service recipients) may become individual members of the IVCCC but may not vote. Individuals with formal organizational affiliations such as those noted above may be selected to represent the organization with which they are affiliated. This provision creates an opportunity for individual stakeholders to participate in the IVCCC without duplicating organizational representation.

5.03. MEMBER RESPONSIBILITIES

IVCCC -Member responsibilities include:

- A. Review and approve Governance Charter and all amendments at least annually;
- B. Attend annual and quarterly meetings;
- C. Ratify full slate of Governance Board Members annually;
- D. Voluntarily participate on Advisory Committees; and
- E. Elect Full Membership Liaison Representative from the Board.

5.04. MEMBERSHIP

- A. Membership is open to organizations and individuals who support the IVCCC's mission. Those seeking membership must complete an application and make their request at any meeting of the IVCCC. At the next regularly scheduled meeting of the IVCCC, all membership requests from organizations or individuals made at the prior meeting will be assumed as valid for purposes of determining voting rights.
- B. There shall be two categories of IVCCC members: Organizational members, and Individual Members.
- C. All Members shall have the right to speak at meetings; to vote on matters before the IVCCC, subject to the voting privileges set forth herein Section 5.10; and to participate in IVCCC activities.
- D. There will be an unrestricted number of Organizational Members. However, only one (1) representative from each Organization Member may vote on behalf of that organization on any given issue; representatives are based on authorization from the organization. Each organization shall indicate in writing the names of up to three (3) persons annually who may represent the organization.
- E. There will be an unrestricted number of individual or community-at-large members representing the general community. However, any such members must reside in Imperial County and may not be involved with Organizational Members as employees, board members, consultants, or current contractors.
- F. All IVCCC members are encouraged to actively recruit additional membership engaged in ending homelessness in Imperial Valley.

5.05. MEETINGS AND MEETING SCHEDULE

- A. Meetings of the IVCCC shall ~~not~~ be subject to the Ralph M. Brown Act. ~~However, all~~ All meetings shall be open to the public, except as otherwise ~~determined by the Board for reasons, including, but not limited to, discuss anticipated or pending legal or personnel matters, permitted by law.~~ Any person who attends an IVCCC meeting may be asked to leave if the person is verbally or physically disruptive.

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- B. The IVCCC annual calendar will establish a regular meeting day, time, and location and will follow for the calendar year.
- C. The full membership shall convene at least quarterly for the purpose of transacting the business of the IVCCC.

5.06. ANNUAL MEETING

- A. Full IVCCC membership shall meet annually to ratify the roster of new Executive Board Members, elect the Member Liaison Board Representative, review and approve Governance Charter, and receive annual meeting calendar.

5.07. SPECIAL AND EMERGENCY MEETINGS

- A. Special meetings of the IVCCC may be requested and notice provided by email to each Member at least 48 hours prior to the meeting.
- B. Special and emergency meetings of the IVCCC may be called at any time by the Governance Board or upon the request by five (5) or more Members.

5.08. MEETING NOTICES

- A. An annual calendar of regular quarterly meetings shall be presented at the annual meeting and shall be distributed to all Members electronically and published to the IVCCC website.
- B. The notice of annual meeting shall be published on the IVCCC website and distributed electronically to all Members at least seven (7) days prior to the scheduled meeting.

5.9. VOTING

- A. At all meetings of the IVCCC, Members who have met attendance requirements set forth by the IVCCC may vote. Voting privileges are limited to one vote per member, in accordance with attendance policies.
- B. In the interest of informed decision-making, each Organizational Member may designate up to three persons annually to represent such organization at IVCCC Meetings. Only attendance by one of the designated representatives is considered in meeting the attendance requirement associated with voting privileges (Sec 5.04.E).
- C. Each Organizational Member and Individual Member may have only one vote for any one motion on the floor, except items that alter the Governance Charter, or specified in this Governance Charter, a majority of votes shall carry or defeat a motion regarding general business.
- D. Voter privileges are extended to those Individual Members and Organizational Members that have been represented by a designated Member at two (2) of the most recent four (4) full membership meetings.
- E. New Members must have attended at least one (1) meeting before being eligible to vote.
- F. Upon ratification of this charter new voting privileges became effective. Existing IVCCC members who have secured voting privileges under previous rules will maintain privileges for the first meeting.
- G. Votes may be conducted electronically when permission is granted by the full body or when 'time is of the essence' and delay or failure to act would prevent compliance with regulations of governing or funding sources or substantially impair the implementation /achievement of IVCCC approved goals and objectives.
- H. All Members must declare any conflict of interest they or their organization has on any voting issue. Organizational Members and Individual Members shall abstain from voting on any issue in which they, or their organizations, have a conflict of interest.
- I. The Governance Charter may be amended upon majority vote of the members of the full IVCCC who are eligible to vote who are present at a meeting called for such purpose, provided that notice is given provided seven (7) calendar days prior to the meeting. Any such vote shall be conducted in accordance with the established Policies and Procedures of the IVCCC. Absentee voting is not permitted.

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5.10. MEETING MINUTES

- A. Minutes of the meetings will be produced and maintained by IVCCC staff or other individual/entity designated by the IVCCC.
- B. Meeting minutes shall be electronically distributed to all IVCCC Members and posted on the IVCCC website.

5.11. PARLIAMENTARY PROCEDURE

- A. Robert's Rules of Order Abridged-Revised will guide the process during meetings of the IVCCC.

ARTICLE VI. IVCCC EXECUTIVE BOARD

6.01. OVERVIEW

The Executive Board acts on IVCCC's behalf and is representative of the relevant organizations, community members and of projects serving homeless subpopulations within the Imperial Valley Region. The IVCCC Executive Board is charged with important responsibilities and authorities on behalf of the community of stakeholders. Representation of a broader array of stakeholders on the IVCCC Executive Board will enhance the capacity to coordinate and leverage resources from various community sectors throughout the Imperial Valley Region. To this end, the IVCC will strategically comprise an Executive Board that represents the array of stakeholders, the diverse geographic sub-regions, and the constituency for whom each seat is designated. [Section 578.5 \(b\) of Title HEARTH regulations—24 of the Code of Federal Regulations](#) requires the board be representative of the relevant organizations and of projects serving homeless subpopulations within the Continuum of Care's geographic area, and ~~that includes~~ at least one homeless or formerly homeless individual ~~to act on its behalf~~.

6.02. ESTABLISHMENT OF GOVERNANCE BOARD

- A. The IVCCC has established an Executive Board to ~~include be~~ representatives ~~of thefrom~~ relevant stakeholders, private and public officials, philanthropic representatives, advocates, businesses and service organizations and projects serving homeless subpopulations. Subpopulations include but are not limited to persons with substance use disorders; persons with HIV/AIDS; veterans; the chronically homeless; families with children; unaccompanied youth; ~~the persons with seriously~~ mentally illness; and victims of domestic violence, dating violence, sexual assault, and stalking. The Board will include a representation of key stakeholder groups found within the Imperial Valley Region.
- B. One board member may represent more than one subpopulation or affiliation.
- C. The board shall include at least one homeless or formerly homeless individual and ~~one~~ veteran
- D. Seats will be designated by affiliation, community sector, subpopulation, and geography.
- E. Board leadership will consist of a chair, vice-chair, secretary, and treasurer.
- F. The Executive Board is instituted as an unincorporated association. Any change to formal legal structure would require amendment to the governance charter.

6.03. BOARD RESPONSIBILITIES

- The Board has authority not retained by the membership in the charter including the following:
- A. Regional Planning: Set regional goals and priorities for ending homelessness in the Imperial Valley;
 - B. Monitor Performance: Monitor community progress in ending homelessness in the Imperial Valley Region;
 - C. Establish and monitor HUD CoC and ESG project performance targets and metrics;
 - D. Approve IVCCC policies: Including HUD CoC and ESG funding recommendations and written standards for providing assistance;
 - E. Approve Selection of and provide direction to: HUD Collaborative Applicant, and HMIS Lead;

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- F. Select Executive Board Members annually and fill vacancies; subject to the Executive Board composition, member selection, membership ratification and related requirements set forth in Sections 6.04 through 6.07 below.
- G. Fundraise: Authorize grant applications; raise and allocate funds; approve sustainability plans; and
- H. Ensure that relevant organizations and projects serving various homeless subpopulations are represented in planning and decision-making.
- I. Build community awareness inclusive of the needs of all homeless populations found in the region.
- J. The Board has no authority to act contrary to this Charter, contrary to any applicable law, rule or regulation, or beyond the mission of the IVCCC as set forth in Article III of this Charter.

6.04. BOARD COMPOSITION

- A. The IVCCC Executive Board shall have a minimum of 5 and maximum of 159 seats.
- B. Members must be able to represent an array of community sectors, special needs populations, and geographic areas throughout the region.
- C. Board seat designations ~~may~~ include:
 - 1. Homeless/Formerly Homeless Person
 - 2. ~~Nonprofit~~ Homeless ~~Service-Assistance~~ Provider / ~~Public Housing Agency~~
 - 3. Business Leader / ~~Affordable Housing Developer~~
 - 4. Veteran
 - 5. ~~Community Leader~~ Advocate / Organization that serves veterans or homeless/formerly homeless
 - 6. ~~Elected/Appointed Official~~ Government / Law Enforcement
 - 7. ~~Victim Service Provider / Social Service Provider~~
 - 8. Faith-based Organization
 - 9. School District / University
 - 6-10. ~~Mental Health Agency / Hospital~~

6.05. ~~PROCESS FOR EXECUTIVE BOARD MEMBER~~ SELECTION PROCESS

- A. A Nominating Committee will be created to reach out to potential candidates to confirm willingness to serve and verify qualifications. Nominating Committee members may not nominate themselves ~~and~~ shall not be eligible to be nominated;
- B. Nominations for Executive Board Members will be accepted from Full IVCCC Membership;
- C. Results of nominations are reviewed by the Nominating Committee to ensure that adequate representation is available for each of the required constituencies (community sectors, subpopulations, geography);
- D. The Board will select -nominees annually based on recommendations of the Nominating Committee and fill vacancies as needed;
- E. The full IVCCC voting membership shall -be asked to -ratify the slate of new Board Members in its entirety at the annual meeting, assumed to be in May of each year, unless an alternate month is selected by sitting Executive Board
- F. Board composition is reviewed annually;
- G. Members of the Board serve as liaisons to other community stakeholders;
- H. Election of the Board Members should be staggered to ensure continuity; half will be up for election each year.
- I. Regular attendance and participation in board activities is required. Members of the Executive 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.

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6.06. BOARD MEMBER SELECTION CRITERIA

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

- A. Meet eligibility to be a voting Member;
- B. Have sufficient knowledge and a working relationship with the constituency group;
- C. Demonstrate capacity to read and assess detailed information;
- D. Possess ability to work effectively on a team;
- E. Acknowledge and embrace the benefit of the IVCCC as a whole, wholeheartedly supporting the mission of IVCCC
- F. Make the commitment to meet the timelines/demands of funding sources;
- G. Acknowledge and respect the rights of homeless persons; and
- H. Be eEligible to conduct business with a governmental entity (i.e., not debarred or suspended).

6.07. BOARD ELECTIONS AND TERMS OF OFFICE

- A. Except as provided for in Section 6.05 (E), Board membership is determined annually by election by a majority vote of the existing Board Membership, and is by the full IVCCC voting Membership at its annual meeting.
- B. Upon placement on the Executive Board, Board Members who are not current IVCCC members will be required to join the IVCCC as a voting Member.
- C. Except for the initial Governance, Board members will serve two-year terms subject to re-election with one-half of the seats subject to election each year. The representative seats on the Executive Board will also serve as liaisons to Advisory Committees and other community groups whose primary purpose is to address homelessness.
- D. In the event of a vacancy, the Executive 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 Board and approval by the full IVCCC voting membership.

6.08. BOARD CODE OF CONDUCT

The members of the IVCCC Board are entrusted with specific responsibilities related to use of public funds invested in addressing a serious community concern, homelessness. Members are expected to observe the highest standards of ethical conduct in the execution of these responsibilities.

In the performance of their duties, IVCCC board members are expected to carry out the mandate of the IVCCC to the best of their ability, and to maintain the highest standards of integrity for actions with other members of the board, IVCCC representatives, service recipients, service providers, and members of the public.

6.09. GENERAL CONDUCT

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

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

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

6.10. STEWARDSHIP OF RESOURCES

Board members must assure that the resources entrusted to them are used for conducting official business only. Member of the IVCCC Board must abide by the Conflict of Interest Policies established for board operations.

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6.11. PROTECTION OF CONFIDENTIAL INFORMATION

In line with the rules and By Laws of the IVCCC, Board Members have a responsibility to protect any confidential information provided to, or generated by, the activities of the Board. Board Members of the board shall not use confidential information of the IVCCC 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 Governance Board.

6.12. PUBLIC STATEMENTS AND MEDIA RESPONSE

Members of the Board shall refrain from making public comments or speaking to the media on behalf of the IVCCC, unless the Governance Board has empowered them to speak on the group's behalf. When making public statements or speaking to the media on issues related to homelessness, members of the Board shall make clear whether they are speaking in their own name or on behalf of the IVCCC.

6.13. REVIEW OF VIOLATION OF THE CODE OF CONDUCT CHARGES

When an allegation of misconduct is received by the Governance Board, an Ethics Review Committee will be assembled. This committee may not exceed 5 members, and must include a minimum of two persons from the official IVCCC membership. The Ethics Review Committee shall conduct a review of the matter and make a recommendation to the Executive Board for resolution. The Executive Board shall not be bound by the Ethics Review Committee's recommendation.

If requested by a majority, the committee may also give guidance to the IVCCC concerning other aspects of conduct, including actions of staff, consultants or other persons charged with implementation of duties relative to the responsibilities of the board.

6.14. BOARD LEADERSHIP

At their first scheduled meeting each year, the board will select a chair to preside over the meeting, and vice-chair to conduct meetings in the absence of the board chairperson. The vice-chair will preside over the meeting and officiate business in circumstances where the conduct of the chair has been formally challenged, or in instances when the chair must recuse him/herself. The Board will also select a Secretary who shall record minutes of all Board meetings, keep record of all policies, maintain calendar and records; and a Treasurer shall oversee management and reporting of IVCCC finances and recording of related financial policies.

6.15. DOCUMENTATION

The IVCCC shall conduct and transact business in a fair and transparent manner. To this end, the Board shall maintain records of the IVCCC actions, consideration, and decisions and make them available to members of the public in accordance with the Public Records Act for the State of California. Except in unusual circumstances or as required to protect the board, the IVCCC, or member agencies from pending legal action, meetings of the board will be open to members of the public wishing to observe. If a visitor to a board meeting is verbally or physically disruptive to the proceedings, they may be asked to leave.

6.16. RESPONSE OF THE BOARD TO COMMUNITY CONCERNS/OBLIGATION TO REPORT

Upon receipt of a written concern, the IVCCC executive board, the chairperson in consultation with one additional board member who is assigned to that duty, and the Chair of the Ethics Committee will determine what action to take. The Chairperson must report complaints and actions to the Governance Board monthly. Members must exercise adequate control and supervision over matters for which they are individually and collectively responsible, and shall take such measures as are necessary and appropriate in considering the concerns of the community.

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6.17. ABILITY TO CONDUCT BUSINESS/DEBARMENT OR SUSPENSION

Members of the IVCCC Board must be eligible to transact business with federal, state, and local government. At the time of nomination and at least annually thereafter, potential members of the board must be cleared through the public registry listing persons and businesses that are barred from, or suspended from transacting business with federal, state, or local government.

6.18. CONFLICT OF INTEREST AND RECUSAL POLICY

- A. No Member of the IVCCC shall vote on, and may not participate in, any matter which creates a conflict of interest, as defined in this Section. If a voting Member has a conflict of interest, that Member shall recuse his or herself from the vote. Voting Members shall recuse themselves from the decision-making or evaluation process when a conflict of interest exists.
- B. The IVCCC voting Membership shall conduct decision-making in accordance with 24 CFR parts 84 or 85 for non-profit organizations and state, local, and government agencies that receive federal funds. The IVCCC voting Member must also meet the conditions set forth in the Interim Rule, section 578.95(b).
- C. To assure compliance with these regulations, the IVCCC establishes policy to protect against conflicts of interest that may arise among board members or organizational agents for their personal or organizational benefit in excess of a minimal value.
- D. No voting Member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to that individual or to any organization that the voting Member has any financial interest or is otherwise employed or directly affiliated.
- E. An Organizational Member conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or sub-recipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when an individual's or an entity's objectivity in performing work with respect to any activity assigned under this part is or might be otherwise impaired.
- F. An Organizational Member conflict of interest arises when a Board Member is also specifically associated with an applicant organization and participates in any decision of the Board or other entity concerning the award of a grant, or provision of other financial benefits to the organization that such member represents. It would also arise when an employee, recent employee, board member, or family member of a recipient or sub-recipient organization participates in the tasks associated with making reasonable and objective determinations in carrying out the responsibilities of the board. Examples of conflict of interest include the determination of rent reasonableness under § 578.49(b) (2) and § 578.51(g); housing quality inspections of property under § 578.75(b) that the recipient, sub-recipient, or related entity owns; participation in ongoing business ventures /partnerships, or participation in evaluation determination of awards.
- G. Recommendations may include items that present a conflict of interest for the majority of Governance Board members. In such cases, the recommendation comes to the full IVCCC membership for ratification. Actions brought for ratification may be rejected / appealed by the full IVCCC membership if the Governance Board was not authorized to consider and bring forward a recommendation; if the action is not permitted, or if the action otherwise violates regulations or laws governing the issue under consideration. A call for rejection or appeal of an action brought forward for ratification must include the basis for such action. Refusal to ratify the recommendation must be substantiated and subsequently supported by a two-thirds (66%) vote of the eligible voting members present.

6.19. FINANCIAL CONFLICTS OF INTEREST - GIFTS

- A. Prohibits the solicitation and acceptance of gifts by board members (or by the organizations that they represent) that provide benefit in excess of minimal value from persons, organizations, or corporations

Commented [RR1]: It is recommended to establish a formal process of a code of conduct and recusal process be incorporated into this charter.

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with vested interest in the outcomes of decisions made by the board on behalf of the IVCCC or its member agencies.

- B. Board members shall not participate in the selection, award, or evaluation of a contract if a conflict of interest exists. A conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ, or employed during the prior six (6) months, has a financial or other interest in the organization under consideration for an award, or evaluation. Board members will not solicit monetary value from funded recipients, sub-recipients, contractors, or vendors.
- C. Board members will not accept gratuities from funded recipients, sub-recipients, contractors, or vendors except for unsolicited gifts of nominal value as provided in subsection E below. It is determined that a conflict of interest does not exist when the value of the gift is an unsolicited item of nominal value (less than \$15) and such gifts are not repeated more than twice annually. The board member must maintain a record of gifts received, including source, date, value, and type of gift.

6.20. RESTRICTIONS ON PROCUREMENT AND PROVISION OF SERVICE

- A. Board members may not personally and substantially benefit from participation on the IVCCC Board. The Procurement Integrity Act U.S.C. § 2104; ("PIA") provides guidance on activities that constitute personal and substantial benefit. Examples of activities that may violate the PIA include but are not limited to:
 - o drafting, reviewing, or approving the specification or statement of work for which the individual intends to apply;
 - o preparing or developing a solicitation that the individual or an organization that the individual has a formal relationship with; evaluating bids or proposals that will be awarded to the individual or an associated entity;
 - o selecting a source; negotiating price or terms and conditions; or
 - o reviewing and approving an award from which the individual or the associated entity will derive any financial benefit.
- B. Board members are not to receive preference in the execution of the business of the IVCCC or the services provided by the IVCCC. For example, the Board member or their family must be granted services or access to support through the regular, established processes without special consideration.

6.21. RECUSAL POLICY

Board members and persons acting on behalf of the board must remove themselves from the decision-making or evaluation process when a person or organization conflict exists. Board members must recuse themselves during the decision-making or evaluation process, and may not participate in absentia through electronic or other means.

6.22. OBLIGATION TO DECLARE POTENTIAL CONFLICT OF INTEREST

To avoid apparent conflicts of interest, board members will declare any real or potential conflicts of interest or the appearance of such conflicts. The person must disclose this information in writing before participating in the deliberation and decision-making or evaluation process. This policy applies to both personal and organizational conflicts.

6.23. TERMINATION POLICY

Any Board Member, individual member of the Governance Board or the entire Governance Board may be removed, with or without cause, by the vote of a majority of the IVCCC voting membership.

Commented [RR2]: Need further clarification.

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ARTICLE VII. ADVISORY COMMITTEES

7.01. COMMITTEES, TASK GROUPS, AND LIAISONS

- A. Except as otherwise authorized by the Governance Board, advisory committees of the IVCCC will be comprised of members of the IVCCC and at least one board member, as is possible, and any other members invited by committee chair.
- B. Each Committee will have a Chairperson and either a Co-Chairperson or a Vice-Chairperson elected by committee members annually.
- C. Each Committee will establish regular recurring meetings and publish an annual calendar on the IVCCC website and distribute calendar to full IVCCC membership.
- D. Each Committee will distribute a written agenda to all committee members at least 24 hours prior to each meeting.
- E. Each Committee will record meeting minutes of each official committee meeting and distribute to all committee members and publish on the IVCCC website.
- F. Each Committee may meet at any time during the intervals between IVCCC meetings at a location determined by the committee members, or at the request of the Governance Board. Each committee will report the results of its meetings to the IVCCC at quarterly meetings.
- G. Each Committee will mirror the attendance and voting privileges of the full memberships. In order to maintain attendance and voting privileges at the Advisory Committee level, Committee members shall attend 50% of ongoing Advisory Committee meetings.
- H. The Committee Chairperson is responsible for timely notification of meetings, and will have the authority to call committee meetings, to determine that a quorum is present, and to determine who has met eligibility to vote on matters before the committee, provided that reasonable notice is given to all members of the committee.
- I. IVCCC staff, with assistance from Committee Chair, shall be responsible for tracking attendance and maintaining compliance with these rules.
- J. The Governance Board may, by majority vote of a quorum, create sub-committees necessary for the proper and efficient functioning of the IVCCC as long as these committees do not interfere with or duplicate the duties of any existing Committee.
- K. The Governance Board may, by a majority vote abolish a task group, or committee, except for an Advisory Committee or Liaison, if such committee is established pursuant to Section 7.01, if it is determined to be unnecessary for the proper and efficient functioning of the IVCCC.
- L. The Board can establish a Task Force or Action Committee to achieve specific or time-limited objectives.

7.02. STANDING ADVISORY COMMITTEES

The IVCCC has established several Standing Advisory Committees that are responsible for ongoing work and providing advice on key issues and community initiatives. These Standing Advisory Committees are needed each year and are established for ongoing, long-term activities. The following Advisory Committees at a minimum are established as Standing Advisory committees that incorporate members of the full membership and may only be disbanded by a change to the Charter approved by a direct action of the full voting membership.

- A. **Evaluation Committee:** Responsible for monitoring, evaluating and recommending improvements to enhance the performance of the IVCCC in its mission. It provides project and community evaluation information and support, monitors best practice approaches throughout the United States and recommends changes in our region.
- B. **Resource Committee:** Responsible for identifying sources of funds needed to meet the mission of the IVCCC. It provides sustainability recommendations and support.

Commented [RR3]: Additional standing committee being recommended need to be incorporated into this section.

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- C. **Veterans Committee:** responsible to
 - 1. Develop strategies to identify and serve veterans;
 - 2. Explore funding opportunities, including advocating for rightful VA services in the valley

- D. **Youth Services Committee:** responsible to
 - 1. Develop awareness of issues relate to homeless youth, Transitional Age Youth (TAY)
 - 2. Identify gaps in services for the population; develop a service 'wish list' & goals
 - 3. Prepare for funding opportunities to serve this population;
 - 4. Advocate for PIT special/dedicated count of youth

- D. **Point in Time Count Committee:** Plans for and operationalizes annual PIT, including but not limited to:
 - 1. Creating training activities/events for PIT volunteers
 - 2. Setting up PIT teams for the actual count; identify team captains and train them appropriately
 - 3. Preparing survey and observation documents & maps
 - 4. Creating system for gathering all the completed survey and observations forms from teams
 - 5. Preparing final reports of PIT results, as needed and in concert with HMIS provider.

7.03. TASK GROUPS

Periodically, the IVCCC 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 Governance 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 associated with completion of the task and are guided by and report to one of the established IVCCC groups which may include the full IVCCC, the Governance Board, or a standing Advisory Committee. Task groups are temporary in nature and are not expected to offer continuous or year-round support to the IVCCC.

ARTICLE VIII. EMPLOYMENT STATUS

8.01. OVERVIEW

By virtue of service on the Governance Board, the full IVCCC body, Advisory Committees and/or other action groups are not deemed employees of the IVCCC are not entitled to benefits and compensation from member agencies as a result of their service to the IVCCC.

ARTICLE IX. STRUCTURE

9.01. DESIGNATING HMIS LEAD

The HMIS administering agency and/or the applicant /sponsor of an IVCCC dedicated HMIS project grant is an agent of the IVCCC, manages HMIS operations on behalf of the [San Diego Imperial Valley](#) Region and provides HMIS administration functions at the direction of the IVCCC. Active participation by IVCCC members, either through committee/sub-committee structure or other meetings, in the management of the HMIS process, including establishing policies, procedures and protocols for privacy, data sharing protocols, data analysis, reporting, data integrity/validity, is essential to the viability and success of the HMIS.

The IVCCC has endorsed the concept of a central HMIS system that is capable of integrating data and storing data from various existing homeless data collection systems. An integrated data system is a requirement for HUD CoC Program and ESG funding. Policies for compliance with the applicable HUD regulations have been developed and reviewed and adopted by IVCCC Executive Board, and at least annually, by the IVCCC.

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HUD requires periodic review of the HMIS Lead to be conducted. These reviews shall include assessment of the organization capacity to fulfill HUD mandated HMIS functions, fiscal accountability, and assessment of alternate applicants.

9.02. SELECTION OF COLLABORATIVE APPLICANT

The IVCCC will designate an eligible legal entity to complete the HUD CoC Program application, referred to as the Collaborative Applicant. The Collaborative Applicant is responsible for collecting and combining the required application information from all applicants and projects and submitting this combined HUD CoC Program application on behalf of the IVCCC. The Collaborative Applicant is the only applicant that is able to apply for HUD planning funds to support the IVCCC in carrying out all of its responsibilities. The Collaborative Applicant provides these functions on behalf of the broader IVCCC. The CoC always retains ultimate responsibility, including the final approval of the application.

9.03. DESIGNATED POINT OF CONTACT

The Governance Board annually reviews and recommends a designated HUD Point of Contact (POC-also known as *CoC Lead*) to the IVCCC using a similar process. Designation of the POC also takes into consideration two critical aspects: 1) the POC must have functional knowledge, access, and regular communication with the internal structures of the Collaborative Applicant organization; 2) to be effective, the POC must possess a comprehensive understanding of the HUD regulations and detailed procedures associated with compliance with the CoC, ESG, and VASH programs.

ARTICLE X. RELATIONSHIPS WITH OTHER HUD-FUNDED CONSTITUENCIES

10.01. ESG ENTITLEMENT AREAS

Emergency Solutions Grants (ESG) are awarded by State of California Housing & Community Development/ ESG Program Division (HCD) to the Imperial County in a Balance of State application process. ESG funds are awarded to the State of CA by the U.S. Department of Housing and Urban Development (HUD) for the purpose of providing Essential Services and Shelter Operations to persons who are homeless or at risk of being homeless in the Imperial County region.

Locally, ESG funds are made available to local service providers, through the IVCCC, via a notification from California's HCD ESG Program. The IVCCC provides public notification of the local RFP process through the IVCCC website (www.cociv.org), notices placed in a local newspaper, and in IVCCC regularly monthly meetings and special 'bidder's conference' sessions. Email notices are also made to all IVCCC members.

The IVCCC participates in setting local priorities, reviewing and rating proposals, certifying need, and annual review of ESG programs. The IVCCC has prepared an ESG Guide that includes information about the responsibilities of the CoC and ESG area, HUD regulations, cross-jurisdiction strategies, and policy statements. Because the Guide is updated at least annually, the most recent Guide is incorporated in its entirety in the Governance Charter by reference here.

The general goal of ESG is to assist families and individuals out of homelessness by providing financial support for rental assistance, payment of utilities, transportation services and other essential services deemed eligible by HUD and necessary for the continued housing of a homeless or at risk of becoming homeless person, and/or families. ESG can be used to fund local homeless emergency shelter operations or physical rehabilitation of certain properties used for serving homeless persons.

To this end, the ESG entitlement areas and the IVCCC have established the following cross-jurisdictional strategies for use of the ESG funds in ways that:

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- A. Further the accomplishment of actions identified in the Consolidated Plan of each jurisdiction.
- B. Foster greater access to permanent housing, especially helping people access housing that is affordable at 30% area median income.
- C. Leverage existing resources to achieve the match and case management requirements and to avoid duplication of services.
- D. Coordinate across jurisdictions for development of standardized eligibility and assessment standards and by convening semiannual regional planning meetings.
- E. Support federal, state, and local goals for priority populations, including but not limited to veterans, persons with disabilities, families and others.
- F. Allow for variations in ESG entitlement programs that respond to the needs and resources of the individual jurisdictions.
- G. Comply with eligibility and verification requirements and locally established standards (HMIS, housing status, habitability standards, homeless definitions, etc.).
- H. Allows each program to take responsibility for program administration including compliance with public notice requirements and timely reporting.
- I. Encourages all sub recipients to participate in collaborative assessment, coordinated entry, data management, and reporting systems established by the IVCCC in accordance with HEARTH regulations.
- J. Supports timely and accurate data collection and reporting through contractual obligations with sub recipients, and through establishing common standards for vendor relationships with the HMIS Lead.

10.02. ESG PROJECT RECIPIENTS AND SUBRECIPIENTS

ESG project recipients may include non-profit organizations, public housing agencies; or governmental entities that receive HUD CoC Program-funding. Recipients have a grant agreement with and receive funding directly from HUD; sub recipients have agreements with and receive funding from recipients.

ESG recipient and sub recipient organizations certify to ten program assurances concerning:

- A. Confidentiality;
- B. consistency with the applicable Consolidated Plan;
- C. discharge policies and protocols;
- D. education assurances for households with children;
- E. essential services;
- F. HMIS participation;
- G. inclusion of homeless persons in decision-making and Section 3 activities as practicable;
- H. restrictive covenants for facilities receiving ESG funds for renovation or major rehabilitation;
- I. matching funds;
- J. safe and sanitary facilities; and
- K. supportive services.

ESG recipient organizations must meet additional requirements established annually by contractual agreement with the ESG Area; for participation in IVCCC review and reporting requirements for project evaluation.

10.03. IVCCC LEADERSHIP IN OTHER JURISDICTIONS

Members of the IVCCC actively participate with CoC Leaders from other areas. IVCCC is a member of a group Southern California CoC Leadership Roundtable. This group includes CoC leaders and HMIS Lead agents from 13 CoC in Southern California. IVCCC leadership and other CoC stakeholders join in national CoC conference calls comprised of more than 25 CoCs from across the nation, the 100,000 Homes Campaign led by Community Solutions. IVCCC leaders also participate in groups and activities that are not CoC-specific but have impact on the services and strategies offered through the IVCCC.