

GOVERNANCE CHARTER
OF
THE LEE COUNTY CONTINUUM OF CARE

Organization

The Lee County Continuum of Care includes:

- The Lee County Department of Human Services, the Collaborative Applicant for the U.S. Housing and Urban Development (HUD) Continuum of Care (CoC) competitive funding process, and the Homeless Management Information System (HMIS) lead agency, herein after referred to as “County.”
- The Lee County Homeless Coalition, a nonprofit agency that advocates on behalf of the homeless, herein after referred to as “Coalition.”
- The CoC Governing Board, which meets and monitors regulatory compliance of the CoC.
- Housing and service providers for the homeless population in Lee County, including all agencies funded through the CoC competitive funding process.

Purpose

This charter shall provide the structure and outline for the County, Coalition, and Governing Board to effectively operate the CoC in order to:

1. Ensure that the CoC is meeting all of the responsibilities assigned to it by HUD regulations;
2. Promote the commitment to end homelessness;
3. Represent the relevant organizations and projects serving homeless subpopulations;
4. Support homeless persons in their movement from homelessness to economic stability and affordable permanent housing within a supportive community, as well as to promote access to and effective utilization of mainstream programs;
5. Ensure that the CoC is inclusive of all needs of Lee County’s homeless population, including the special service and housing needs of homeless sub-populations;
6. Facilitate responses to issues and concerns that affect the agencies funded by the CoC that are beyond those addressed in the annual CoC application process; and
7. Promote funding to achieve CoC goals and objectives.

Responsibilities

The following sections outline the specific characteristics and CoC responsibilities of the Coalition, County, and Governing Board.

The Coalition

The Coalition will operate many facets of the CoC, and in that capacity, must:

1. Hold meetings of the full membership, with published agendas, at least semiannually;
2. Make an invitation for new members to join publicly available within the geographic area at least annually;
3. Adopt and follow a written process to initially select the first Governing Board members to act on behalf of the CoC. The process must be reviewed, updated, and approved by the full CoC membership at least once every five years;
4. Appoint committees, subcommittees, or task forces/workgroups to address CoC objectives and goals, including but not limited to:
 - a. Community Awareness and Education Task Force, whose mission is to provide community awareness and education to the general public, businesses, and government regarding the realities facing the homeless or near homeless. In addition to education and awareness activities, objectives include planning and coordination of annual events,

- including the Stand Down/Service Day, Candlelight Vigil, and activities for National Hunger and Homelessness Awareness Week.
- b. Demographics/HMIS User Group Task Force, whose mission is to develop an accurate picture of the number and characteristics of Lee County homeless persons in order to provide targeted assistance. In addition to collecting information and coordinating the point in time count, objectives include developing a provider survey to establish resources and identify gaps, and provide a user group for HMIS users for training and updates.
 - c. Prevention, whose mission is to develop strategies based on research and best practices, which prevents residents from homelessness and supports the Lee County Continuum of Care, and whose objectives include addressing discharge planning and updating resource materials for community use.
5. In consultation with the County and Governing Board, develop and follow this governance charter, and Policies and Procedures relevant to this charter housed with the Coalition;
 6. Plan for and conduct an annual point-in-time count of homeless persons within the geographic area that meets the following requirements:
 - a. Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
 - b. Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
 - c. Other requirements established by HUD by Notice.

The County

As the Collaborative Applicant and HMIS Lead Agency, the County will be responsible for:

1. Consulting with recipients and sub-recipients of CoC funding to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;
2. Evaluating outcomes of projects funded under the Emergency Solutions Grants program (hereinafter referred to as "ESG") and the CoC program, and report to HUD;
3. Consulting with recipients of ESG funds to establish and operate a centralized and coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and service. After the system has been established, a policy to guide the operation of the system will be written, including how the system addresses the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim service providers;
4. Consulting with recipients of ESG funds within the geographic area, to establish and consistently follow written standards for providing CoC assistance. At a minimum, these written standards must include:
 - a. Policies and procedures for evaluating individuals' and families' eligibility for CoC assistance;
 - b. Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
 - c. Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance;

- d. Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance;
 - e. Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
 - f. When the CoC is designated a high-performing community, policies and procedures for determining and prioritizing which eligible individuals and families will receive Homelessness Prevention Assistance.
5. Operating a single Homeless Management Information System (HMIS) for the geographic area as the eligible applicant, serving as the HMIS Lead;
 6. Reviewing, revising, and approving a privacy plan, security plan, and data quality plan for the HMIS.
 7. Ensuring consistent participation of recipients and sub-recipients of CoC and ESG funding in the HMIS;
 8. Ensuring the HMIS is administered in compliance with requirements prescribed by HUD.
 9. Providing information required completing the Consolidated Plan(s) within the CoC's geographic area;
 10. Consulting with state and local government ESG program recipients for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and sub-recipients, as applicable; and
 11. Submitting the annual CoC competitive funding application to HUD as the Collaborative Applicant;

The Governing Board

As the entity meeting regulatory requirements for the CoC, the Governing Board must adhere to the following:

1. Each year at the summer semi-annual CoC meeting, available board positions will be outlined and the nomination process for the Board will be explained. A slate of potential Board members will be presented to and voted on by the CoC membership. No one organization shall have more than two votes. No organization may have more than one representative on the Board. Representatives who vacate a seat during their term will be responsible for replacing their seat with an appropriate board member. Notification of the replacement will be made to Lee County. The seat of any representative that is absent without cause for three consecutive meetings of the Board will be declared vacated. The representative who has vacated in this manner may still replace their seat with an appropriate board member. This process to select Board members shall be reviewed at least every five years.
2. **Board Membership.** The Board members shall consist of those filling permanently represented seats and those that are not.
 - a. The permanently represented seats shall be:
 - i. At least one homeless or formerly homeless individual. This position shall be considered to fill the role of "advocate," but may also meet the required representation of another community representative, such as a business.
 - ii. Lee County Department of Human Services Representative. This position shall be considered to fill the role of "governments," but also fills the role of "social service provider" in the event that non-permanent seat is vacated.
 - iii. Lee County Homeless Coalition Representative. This position shall be considered to fill the role of "advocate."
 - iv. Housing Authority of the City of Fort Myers. This position shall be considered to fill the role of "Public Housing Authority."

- v. SalusCare, Inc. Representative. This position shall be considered to fill the role of “mental health agency,” but also fills the role of “nonprofit homeless assistance provider” and “social service provider” in the event those non-permanent seats are vacated.
 - vi. Abuse Counseling and Treatment, Inc. (ACT) Representative. This position shall be considered to fill the role of “victim service providers (private, nonprofit organizations whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, including rape crisis centers, battered women’s shelters, domestic violence transitional housing, etc.).”
 - vii. Lee Memorial Health System Representative. This position shall be considered to fill the role of “hospitals.”
 - viii. Lee County Schools Representative. This position shall be considered to fill the role of “school districts.”
- b. Other seats not permanently filled by the above mentioned representatives shall represent relevant organizations and projects serving homeless subpopulations, including:
- i. Nonprofit homeless assistance providers;
 - ii. Governments;
 - iii. Faith-based organizations;
 - iv. Businesses;
 - v. Social service providers;
 - vi. Universities;
 - vii. Affordable housing developers;
 - viii. Law enforcement;
 - ix. Organizations that service veterans;
3. **Officers.** The officers, consisting of a Chair and a Co-Chair, shall be elected by the Board at the first regular meeting following the annual board member selection process for a one year term. Nominations will be taken at the beginning of the meeting and a majority vote on the officers shall determine the officers. Officers shall not be compensated for their services as such officers.
 4. **Voting.** A number equal to the majority of those serving on the Board shall be the quorum of the Board. At all Board meetings, business items may be decided by arriving at a consensus. If a vote is necessary, all votes shall be by voice or ballot at the will of the members of the Board. Each representative will have one vote. No member may vote on any item which presents a real or perceived conflict of interest. All board members must sign a conflict of interest policy. Action that may be taken at any meeting of the Board will also be allowable in writing through email or letter if approved by the majority of the Board.
 5. The Board shall provide semi-annual reports on activity to the full CoC membership;
 6. The Board shall update annually this governance charter and related Policies and Procedures relevant to this charter, which will include all procedures and policies needed to comply with CoC requirements as prescribed by HUD;
 7. The Board shall review and adopt performance targets appropriate for population and program type, review monitor recipient and sub-recipient performance, evaluate outcomes, and recommend County action against poor performers;
 8. The Board shall review outcomes of projects funded under the ESG program.
 9. Administrative duties of the Governing Board shall be shared by the Coalition and County.

Code of Conduct and Conflicts of Interest. The Board is responsible for the development, update, and adherence to the following code of conduct and conflict of interest processes.

1. **Conduct and Attendance.** Governing Board members, committee members, and other CoC agents and employees must exercise care, diligence, and prudence when acting on behalf of the Lee County CoC. These individuals must timely complete work they have agreed to undertake on behalf of the CoC. In addition, they must attend Board and/or committee meetings and be prepared to discuss matters presented for their deliberation. Absence without notice or explanation for three meetings within a calendar year, or repeated failure to complete work assignments, will be grounds for removal from the Board and/or committee assignments.
2. **Conflicts of Interest.**
 - a. **Rules Regarding Conflict.** Governing Board members must abide by 24 CFR Part 578.95 as noted in this section to avoid conflicts of interest and promote public confidence in the integrity of the CoC and its processes. Failure to honor these rules will be grounds for removal from the Board and any of its committees.
 - b. **Conflicts.**
 - i. *Individual conflict.* No Governing Board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.
 - ii. *Organizational conflict.* An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance, or when a covered person's (see next section) objectivity in performing work with respect to any activity assisted is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the applicant concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under 24 CFR Part 578.49(b)(2) and 24 CFR Part 578.51(g), and housing quality inspections of property under 24 CFR Part 578.75(b) that the recipient, subrecipient, or related entity owns.
 - iii. *Other conflicts.* For all other transactions and activities, the following restrictions apply:
 - (1) No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.
 - (2) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis, taking into account the cumulative effects of the criteria, provided that the recipient has satisfactorily met the threshold requirements:

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

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

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

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

(A) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

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

(C) Whether the affected person has withdrawn from his or her functions, responsibilities, or the decision-making process with respect to the specific activity in question;

(D) Whether the interest or benefit was present before the affected person was in the position;

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

(F) Whether the person affected is a member of a group or class of persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; and

(G) Any other relevant considerations.

- c. **Abstention from Decision-Making.** Governing Board members must disclose if they have any conflicts of interest or potential conflicts of interest regarding any business included in the meeting agenda. Any matter in which Governing Board members have an actual or potential conflict of interest will be decided only by a vote of disinterested individuals. If the abstention changes the quorum, additional votes may be accepted by email from disinterested members who are not present. In addition, the minutes of any meeting at which such a vote is conducted must reflect the disclosure of interested directors' and committee members' actual or potential conflicts of interest and their

abstention. If email votes have been accepted, the minutes shall reflect the final vote including those votes.

- d. **Annual Conflict of Interest Acknowledgement Form.** Governing Board members must sign a conflict of interest form annually, affirming that they have reviewed the conflict of interest policy and disclosing any conflicts of interest that they face or are likely to face in fulfillment of their duties as directors.

The Coalition and County shall work together to:

1. Collaborate with the Governing Board to develop and adopt a CoC plan that includes 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:
 - a. Outreach, engagement, and assessment;
 - b. Shelter, housing, and supportive services;
 - c. Prevention strategies.
2. Conduct an annual gaps analysis of the homeless needs and services available within the geographic area.
3. Collaborate with the Governing Board on the process to receive applications for funding to the annual CoC competitive funding application to HUD, to include:
 - a. Development of priorities for funding projects;
 - b. Developing of application ranking criteria;
 - c. Development of a standing committee to review and rank applications according to the priorities and criteria;
 - d. Approval of the full application to the annual CoC competitive funding application to HUD.

This Charter and Policies and Procedures shall be maintained and available for review at the offices of the Coalition or the County.

Conflict of Interest Disclosure Statement

I have read and am fully familiar with the Lee County Continuum of Care’s Conflict of Interest policy as described in the Governance Charter. Except for the matters listed below, there is no situation in which I am involved in which my decision on behalf of the Lee County Continuum of Care may be influenced by my own gain or advantage, financial or otherwise.

Please describe any existing or potential conflict of interest associated with any particular contract or transaction relating to your role within the Lee County Continuum of Care. If “none,” please indicate in space below.

I agree to promptly, in accordance with the requirements of the Lee County Continuum of Care Governance Charter and Conflict of Interest Policy, disclose any additional interest which may arise after the filing of this statement.

Date: _____

Signature

Print Name

Agency Name