

NC 505: Charlotte/Mecklenburg Continuum of Care (CoC)

Governance Charter

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I.a. Purpose of the Charter

The U.S. Department of Housing and Urban Development (HUD) charges communities that receive funds under the Continuum of Care Program (hereinafter referred to as the “CoC Program”) of the Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act) with specific responsibilities. In its CoC Program interim rule (24 CFR Part 578), HUD describes, in Subpart B, how continuums of care are established, as well as the required duties and functions of these continuums. The interim rule defines a CoC as “the group organized to carry out the responsibilities 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.” The interim rule also establishes three major duties for which the CoC is responsible: to operate the CoC, to designate a Homeless Management Information System (HMIS) for the CoC, and to plan for the CoC. In order to effectively operate and manage the CoC, a governance charter is required; therefore, the Charlotte/Mecklenburg CoC has adopted this governance charter.

I.b. Duration of the Charter

This governance charter shall be reviewed annually by the CoC membership and by the CoC Board and amended as necessary to carry out the CoC duties. This governance charter may be amended and approved by a simple majority vote of the membership.

II. Mission and Vision

The mission of the Charlotte/Mecklenburg CoC is to end homelessness and alleviate its negative impacts by:

- engaging the community to address underlying causes,
- providing prompt and straight-forward access to a coordinated continuum of shelter and affordable housing options and supports that meets the needs of diverse homeless individuals and families, and
- expanding, sustaining, and developing new affordable housing options and supports to meet the changing circumstances of individuals and families who are at-risk of homelessness, currently homeless, or recently homeless in our community.

The vision:

Homelessness is rare, brief and non-recurring in the Charlotte-Mecklenburg community. Everyone has housing choices and prompt access to a variety of housing resources and supports that meets their needs.

III. CoC Membership

a. Definition

Organizations and individuals (unaffiliated with a member organization) residing within Mecklenburg County may be members of the CoC. The Charlotte/Mecklenburg CoC strives for a broad and inclusive membership including, but not limited to persons with lived experience of homelessness, nonprofit homeless assistance providers, victim service providers, faith-based organizations working to reduce homelessness, local governments, businesses, funders, advocates, public housing agencies, school districts, social service providers, mental health and substance use agencies, healthcare providers, universities, affordable housing developers, landlords, and criminal justice providers.

b. Process to become a member, and to maintain membership.

An organization or an individual may become a member by completing an application form and providing it to designated CoC staff (the Collaborative Applicant). Members (individuals and organizations) must attend a minimum of 50% of publicized meetings annually. An organization that becomes a member shall designate one or more persons from that organization who shall have the right to vote (one vote per organization) at CoC meetings. At least annually the CoC shall undertake a process to recruit new members in order to ensure that the CoC is representative of its community and has the individuals and organizations needed to effectively carry out its mission.

c. Voting

All individual CoC members will have one vote. All member organizations will have one vote. Any item that requires a vote must be noted on the meeting agenda (publicized at least 10 days in advance of the meeting). Approval by vote requires a simple majority of members present and eligible to vote. Electronic voting is permissible with advance notice to staff providing administrative support to the meeting.

d. Membership Duties

Duties shall include: provide input and guidance on CoC policy, strategy and resource allocation issues, vote to approve CoC Board members, vote to approve governance charter and amendments, vote to approve selection of the initial Collaborative Applicant, serve on committees and/or working groups of the CoC, to the extent possible.

e. Meetings and Communications

CoC membership meetings shall be held at least two times per year but may be held more frequently at the discretion of the CoC Governing Board. Agendas shall be published on the CoC website at least ten business days in advance of the meetings. Results of actions taken at a CoC meeting shall be published on the website within 14 days. The CoC Membership will receive information about CoC goals, plans and operations via a variety of means including: a newsletter, notices, agendas and minutes of committee meetings, and notices, agendas and minutes of CoC Board meetings, all posted on the CoC website.

IV. CoC Governing Board

a. Governance Model

The governing board is the policy setting and decision-making body for the CoC, which is responsible to the CoC membership to fulfill its HUD-defined responsibilities as defined in this charter. The board is responsible for planning, coordination of resources, and evaluation of results for the community. The board is empowered to create standing committees and ad-hoc working groups to achieve community goals. The board will look to recommendations from its committees and work groups in order to develop sound policies and practices that meet the needs of the community.

b. Roles /Responsibilities of the Board

In order to make homelessness rare, brief and non-recurring, the Board responsibilities shall include:

- Providing overall direction and leadership of the CoC process
- Making formal decisions for the CoC, with input from committees, membership, The Collaborative Applicant and others with expertise
- Aligning and coordinating CoC, Emergency Solutions Grants and other homeless assistance and mainstream resources
- Advocating for additional resources, as required
- Ensuring the availability of data for planning
- Establishing priorities for and making recommendations to HUD about allocation of CoC resources
- Establishing system and program outcomes for evaluation purposes
- Monitoring and evaluating system-wide and individual program performance toward established goals
- Establishing committees and work groups, and receiving their reports
- Selecting the Collaborative Applicant (aka Lead support agency), HMIS software, and HMIS Lead Agency,
- Entering into all contracts and Memoranda of Understanding (MOU) on behalf of the CoC and monitoring performance under these contracts and MOUs, and
- Communicating effectively with the CoC Membership and other key constituencies involved in eradicating homelessness.

c. Composition and Leadership

The Board will consist of no more than 19 members, all of whom will have one vote.

Four members will be ex-officio. They will be:

- The Mecklenburg County Community Support Services Director or designee
- The City of Charlotte Director of Neighborhood and Housing Services or designee
- The Charlotte Housing Authority Chief Executive Officer or designee
- A senior level administrator from the Veterans Administration

There are no term limits for the length of time that ex-officio members may serve on the Board.

Four members will be appointed by their organization(s):

- The Foundation for the Carolinas Director (or designee)
- The United Way Director (or designee)
- One representative from the towns within Mecklenburg County (Huntersville, Cornelius, Davidson, Pineville, Matthews, Mint Hill)
- Charlotte-Mecklenburg Schools Superintendent (or designee)

The remainder of the seats, **eleven**, will be filled by representatives (nominated through a Membership / Nominating Committee of the CoC), and then approved by a vote of the full CoC Membership. The eleven seats will represent these stakeholders:

- Persons with lived experience of homelessness (2)
- Emergency Solutions Grant recipients /Shelter providers (1)
- Permanent housing providers (1)
- Faith-based organizations active in ending homelessness (1)
- Workforce development providers (1)
- Prevention/ street outreach/ diversion providers (1)
- Landlords (1)
- Affordable Housing Developers (1)
- Population-specific: including but not limited to: formerly incarcerated persons, persons with substance use issues, persons with HIV/AIDS, homeless youth, LGBTQ persons, victims of Domestic Violence, etc. (2)

A Board member may represent more than one role on the Board if the dual roles are explicitly stated and presented to membership.

The CoC is committed to a diverse and inclusive Board in terms of race, gender, sexual orientation, immigration status, and other factors. The Membership / Nominating Committee will be charged with monitoring diversity of the Board and undertaking efforts to recruit a diverse membership.

Officers: The Governing Board will have two officers, who will be selected by the members of the Board for two-year terms. Any member of the Board may serve as an officer. Board officers may serve up to two consecutive terms.

- The **Chair** will preside at meetings of the Board and at meetings of the full membership, develop meeting agendas in conjunction with Collaborative Applicant, publicly speak on behalf of the CoC and sign all official CoC written communications.
- **The Vice-Chair** will fulfill the functions of the Chair when the Chair is unavailable, and will serve as the Chair of the Membership / Nominating Committee of the CoC.

d. Process for Board Member Selection

Board seats which are neither ex-officio nor appointed (i.e. 11 seats), will be voted on by the membership. A Membership / Nominating Committee, chaired by the Vice-Chairperson of the Governing Board, will establish a process for making nominations, bringing recommendations to the full membership for a vote, and creating staggered terms of two – three years.

The **first** Board, which will be seated under this Charter between December 2019 and April 2020, will be selected as follows:

1. The ex-officio seats will be filled by the individuals in the designated positions.
2. The Foundation for the Carolinas President & CEO will appoint a person from FFTC to serve on the CoC Board.
3. The United Way of Central Carolinas President & CEO will appoint a person from United Way to serve on the CoC Board
4. The Superintendent of the Charlotte-Mecklenburg Schools will appoint a person from CMS to serve on the CoC Board.
5. The towns of Mecklenburg County will each be sent a letter (directed to the Town Manager) asking about their interest in serving on the CoC Board. In the event that more than one town indicates an interest in serving, the towns will be asked to come to consensus regarding who should serve initially on the CoC Board.
6. Mecklenburg County, which has been staffing the development of the new Charlotte-Mecklenburg CoC Governance Charter with HUD Technical Assistance, will post on the CoC website a notice and application for the open seats on the Governing Board. The notice will request that interested individuals fill out an application which will be forwarded to the First Board Nominating Committee. The First Board Nominating Committee will be responsible for reviewing applications and recommending a slate of nominees to the full CoC membership for approval no later than March 1, 2020. The First Board Nominating Committee will be comprised of three representatives appointed by the Homeless Services Network and two representatives appointed by the Housing Advisory Board. The First Board Nominating Committee will receive staff support from Mecklenburg County. No member of the First Board Nominating Committee may be elected to the first Governing Board.

e. Terms of Board Membership

Board members will serve staggered two- or three-year terms. No member (other than ex-officio members) may serve more than five consecutive years. Board members must abide by attendance, Conflict of Interest, and any other policies adopted by the Governing Board. In the event that a Board member cannot serve the full term, for whatever reason, the position may be filled in the manner in which it was originally filled, i.e. ex officio, appointment or election.

f. Termination and Resignation

Members may be dismissed from the Charlotte-Mecklenburg CoC for violations of the conflict of interest policy (as discussed in this Charter) or for other violations of the policies and procedures of this CoC, including but not limited to:

- Missing three or more consecutive Board meetings
- Fraud
- Failure to maintain confidentiality on board matters and
- Non-adherence to the conflict of interest policy

Removal of a board member requires a majority of the voting members present at a CoC Board meeting, but in no event shall such a vote occur if there are fewer than 11 members present.

If a board member wishes to resign, the board member shall submit a letter of resignation to the Board chairperson.

g. Meeting Frequency

The Governing Board will decide how frequently to meet, but, in no event, shall the Board meet less frequently than monthly to conduct business of the CoC. The Governing Board shall establish a published meeting schedule.

h. Voting and Quorums

The Governing Board will vote on these items, at a minimum:

- the ranking of projects in the Continuum of Care application
- the selection of the Collaborative Applicant
- the selection of the HMIS Lead Agency, local HMIS System Administrator, and system software
- privacy, security and data quality plans
- system and program performance targets
- creation and termination of committees and other workgroups
- written standards for Coordinated Entry
- Emergency Solutions Grant funding recommendations
- the Point in Time submission to HUD
- the annual gaps analysis of homelessness needs and services.

At least eleven Board members must be present for these votes, and a simple majority of those eligible to vote is required for approval of each item.

The rules contained in the current edition of Robert’s Rules of Order, Newly Revised, shall be the parliamentary authority for all matters of procedures unless specifically addressed in this governance charter.

i. Conflicts of Interest

No Board member may influence decisions concerning the award of a grant or other financial benefits to the organization that the member represents or to themselves as individuals. Therefore, any individual participating in or influencing decision-making must identify actual or perceived conflicts of interest as they arise and comply with the letter and spirit of this policy. Disclosure should occur as soon as possible, prior to the discussion of any such issue. Disclosures shall be recorded in the minutes of the meeting. Individuals with a conflict of interest should abstain from discussion and voting on any issue in which they may have a conflict. Members will not be permitted to participate in a discussion or vote until an annual signed COI statement is on file with the CoC Collaborative Applicant.

Members of the Board, and its committees and workgroups, shall comply with federal, state and local laws and related regulations. The business of the CoC shall be conducted so as to avoid all conflicts of interest. The program standards for conflicts of interest described by the U.S. Department of Housing and Urban Development’s Interim Rule for the Homeless Emergency

Assistance and Rapid Transition to Housing (HEARTH Act) are found at 24 CFR Part 578.95 (available at www.hudexchange.info.)

CoC Board members must sign a Conflict of Interest statement and abide by the Conflict of Interest guidelines laid out in the CoC Program Interim Rule.

V. Committees and Workgroups

a. Overview

The work of the CoC is extensive, and there are many responsibilities that a single entity, whether that be the Board, the Collaborative Applicant, or the membership as a whole, cannot effectively manage on its own. Therefore, the CoC, through its Board, will establish Committees (on-going) and workgroups (time-limited) to facilitate the work of the CoC. Each committee and work group will have a clear purpose, will publish agendas and minutes, and will communicate its findings, recommendations and concerns to the Board. In establishing committees, the Board will include categories of expertise and/or stakeholder groups it desires to include on each committee. The Membership / Nominating Committee of the Charlotte-Mecklenburg CoC will be charged with seeking individuals to fill these slots and then presenting the names and qualifications to the Board, which will vote to approve them. To the extent feasible, committee membership should reflect the diversity of the community. To the extent feasible, persons with lived experience and at least one Board member should be part of every committee. Committees will be open to persons (CoC members, Collaborative Applicant staff, and others) who have expertise and interest in the subject matter of the committee. Committees may elect their own chair, subject to ratification by the Board, except for the Membership/ Nominating Committee, which will be chaired by the Vice-Chair of the Governing Board.

With ten days' notice, and through the process of a vote, the Board may create, re-configure, and/or dissolve CoC committees and work-groups in order to facilitate achievement of CoC goals and objectives. CoC Committees and work-groups will be staffed through the Collaborative Applicant.

b. Named Committees and Workgroups

With the adoption of the Charlotte-Mecklenburg CoC Governance Charter, the following committees and workgroups are established:

Committees:

Coordinated Entry (CE) Oversight Committee (already established) is responsible for: operating a coordinated access system that provides an initial assessment of the needs of homeless individuals and families for housing and services, and annually assessing and reporting to the Board regarding participation in CE by users throughout the CoC geography.

Data Advisory Committee (already established) is responsible for: reviewing community level data before it is submitted to HUD (including Point in Time count, System Performance Measures, etc.), reviewing and approving or denying external research requests, recommending fees (if any) for data pulls, Continuous Quality Improvement work based on local data, recommending performance targets to the CoC Board, monitoring program and system performance and reporting results to the Board, developing and recommending privacy, security and data quality plans for presentation to and approval by the Board, providing guidance and feedback regarding HMIS, annually evaluating the HMIS Lead and reporting the results of that evaluation to the Board, and performing other related duties, in partnership with the Collaborative Applicant, the HMIS Lead and the local HMIS System Administrator. At the discretion of the Board, an HMIS subcommittee may be created, which will operate under the guidance of the Data Advisory Committee.

Membership / Nominating Committee (new) is responsible for: developing processes for outreach, engagement and recruitment of diverse and knowledgeable CoC members, committee and workgroup members and Board members, in consultation with the Collaborative Applicant, the membership and the Board. This Committee will be chaired by the CoC Board Vice-Chair. The Membership / Nominating Committee will recommend candidates for committees and workgroups to the Board and will recommended candidates for the Board to the full membership.

Ranking Committee (new) is responsible for: developing fair and transparent processes and recommending the ranking for projects eligible for funding under the CoC Program and developing fair and transparent processes and recommending proposals for funding under the Emergency Solutions Grant Program. The Board will approve these rankings by formal vote.

Workgroups (already established):

Training, which will provide skill-building opportunities to the CoC and its partners in order to enhance the effectiveness of practitioners working to end homelessness.

Vulnerability Review Group, which will review cases of persons who have a vulnerability score (at Coordinated Entry) that is believed not to reflect the person's true level of vulnerability.

Veterans Homelessness which will work to end homelessness for veterans and their families by recommending strategic policy changes and maintaining a by-name registry, as needed.

Chronically Homeless, which will work to end homelessness for the chronically homeless by recommending strategic policy changes and maintaining a by-name registry, as needed.

Homeless Families, which will work to implement strategies that are effective for homeless families.

Youth Work Group, which will work to implement strategies that are effective for homeless youth.

c. Conflicts of Interest

Committee members and workgroup members will seek to avoid actual and perceived conflicts of interest and will abide by the CoC Interim Rule guidelines on Conflict of Interest.

VI. Collaborative Applicant

a. Roles and Responsibilities

The Collaborative Applicant (CA) is the organization designated by the CoC to: (1) submit the required CoC application for all projects selected for funding, and (2) apply for CoC planning funds. In the Charlotte-Mecklenburg CoC the CA works closely with the Governing Board, the membership, its committees and workgroups to effectively coordinate the housing and services system, and to achieve the CoC's vision.

The CA's responsibilities include, but are not limited to:

1. Conducting an annual gaps analysis of the homeless needs and services available within the geographic area.
2. Conducting the Point in Time count, at least biennially.
3. Designing and managing a collaborative process for the development of a collaborative application in response to HUD's annual CoC Program competition and obtaining approval from the Governing Board to submit to HUD.
4. Designing and managing a fair and transparent process to award State Emergency Solutions Grant funds.
5. Consulting with the State and local ESG recipients in the geographic area on the use of ESG funds and progress toward program goals.
6. Consulting with the City of Charlotte to ensure that the Consolidated Plan is aligned with the CoC's strategies and plans to allocate resources that meet the needs of homeless individuals and families and persons at risk of homelessness.
7. On behalf of the Governing Board, holding meetings of the full CoC membership, with published agendas at least semiannually.
8. Staffing CoC committees and workgroups, including preparation of agendas and minutes, meeting materials and communications, maintaining records and distribution lists.
9. Assisting the CoC, through its committees and workgroups, to develop performance targets and evaluate performance.
10. Completing activities defined in the CoC Planning Grant, as approved by HUD.
11. Working collaboratively with other community stakeholders toward ending homelessness.

b. Selection Process

Once the Governing Board is in place, the CoC Board will develop a process to select and approve a Collaborative Applicant for a three year term with the understanding that a Collaborative Applicant may be selected more frequently if there are performance concerns. The process will include: a survey of the membership to gather input and diverse perspectives, a Request for Letters of Interest, a Request for Qualifications, and a scoring

tool. The Request for Qualifications will address, at minimum, an agency's capacity and experience in:

- Developing applications for federal funding
- Staffing boards and committees
- Developing community-wide plans to impact homelessness
- Managing federal funds allocated to homelessness

The CoC Board will vote to select the CA on an on-going basis.

The **Initial Collaborative Applicant** to be selected in early 2020, after adoption of this Governance Charter, will be chosen via an expedited process facilitated by HUD Technical Assistance in order to maintain smooth continuity of CoC governance and operations, as the City of Charlotte transitions from its Collaborative Applicant role. Immediately after adoption of the Charter, a Request for Letters of Interest and Capacity (relevant to the CA duties outlined in Section VI. A of the Charter) will be posted for three weeks on the CoC website. Any agency that responds (by sending a Letter to HUD Technical Assistance at Natalie_Matthews@abtassoc.com) will be requested to submit Qualifications within three weeks from the date of their response to mgaertner@ci.charlotte.nc.us. The Qualifications will be reviewed by an ad-hoc committee consisting of five members appointed by the Homeless Services Network (2), the Housing Advisory Board (2) and United Way of Central Carolinas (1). HUD TA will be available to facilitate the process for reviewing the Qualifications.

The ad-hoc committee will present its recommendation to the full CoC membership for approval no later than January 31, 2020.

c. Oversight

The Governing Board will hold the CA accountable for performance through a Memorandum of Understanding that is reviewed and updated annually. Any member of the Governing Board with a conflict of interest shall not participate in the annual review of the CA. The CA will be eligible to apply for CoC planning funds through the CoC grant process, and these funds will be used to provide dedicated staff and resources to support the work of the CoC, as specified by HUD guidelines.

VIII. Homeless Management Information System Lead Agency

a. Roles and Responsibilities

The HMIS Lead Agency (currently Mecklenburg County) is the agency designated by the CoC to establish and operate the CoC's Homeless Management Information System. The Charlotte-Mecklenburg CoC is part of a multi-CoC HMIS implementation in North Carolina which has contracted with the Michigan Coalition Against Homelessness to carry out a significant portion of the HMIS Lead responsibilities. The multi-CoC implementation has a North Carolina HMIS Governance Committee which includes representation from the member CoCs, including Charlotte-Mecklenburg.

Mecklenburg County's Community Support Services Department serves as the local System Administrator for the HMIS in the Charlotte-Mecklenburg CoC and currently represents the CoC on the NC HMIS Governance Committee.

The HMIS Lead and the local System Administrator:

- Ensure that projects are meeting national data quality objectives
- Ensure that the CoC has an HMIS data privacy plan, security plan, and data quality plan
- Document compliance project rules and record requirements
- Ensure that the HMIS is administered in compliance with HUD requirements
- Ensure consistent participation by CoC and ESG recipients in HMIS
- Ensure that the CoC has a successful and operational HMIS
- Coordinate efforts to encourage non-HUD funded projects to participate

b. Selection Process

With the adoption of this Governance Charter, the Governing Board, through its Data Advisory Committee, will become responsible for guiding the CoC's selection of an HMIS Lead Agency and for monitoring HMIS operations in the CoC's geographic area. The Committee will keep the Governing Board apprised of HMIS concerns and will make recommendations to the Board concerning issues of policy and participation.

c. Oversight

The Governing Board will hold the HMIS Lead Agency accountable for performance via the monitoring work performed by the Data Advisory Committee and its HMIS Subcommittee (if created). There will be an annual review of the HMIS Lead Agency.