



**Leadership Board Meeting**  
 Thursday, September 22, 2:00pm-4:00pm

Meetings are public. Alameda County residents with lived experience of homelessness are encouraged to attend. Public Comment will be taken at the beginning of each meeting and is limited to 2 minutes per person. Click [here](#) to learn more about the public participation policy.

EveryOne Home is inviting you to a scheduled Zoom meeting.

Meet anytime Join Zoom Meeting  
<https://us02web.zoom.us/j/87583888189>

Meeting ID: 875 8388 8189  
 One tap mobile  
 +16699006833,,87583888189# US (San Jose)  
 +13462487799,,87583888189# US (Houston)

Dial by your location  
 +1 669 900 6833 US (San Jose)  
 +1 346 248 7799 US (Houston)  
 +1 253 215 8782 US (Tacoma)  
 +1 646 558 8656 US (New York)  
 +1 301 715 8592 US (Washington DC)  
 +1 312 626 6799 US (Chicago)

Meeting ID: 875 8388 8189 Find your local number:  
<https://us02web.zoom.us/j/87583888189>

- |  |                      |
|--|----------------------|
| <b>1. Welcome and Introductions</b>  | <b>2:00pm-2:10pm</b> |
| <b>2. Public Comment</b>   | <b>2:10pm-2:20pm</b> |
| <b>3. Review and Approval of Minutes</b>   | <b>2:20pm-2:25pm</b> |
| <ul style="list-style-type: none"> <li>a. Leadership Board Meeting 8.25.22<br/> <i>Action Item</i></li> </ul>  |                      |
| <b>4. Leadership Board Updates</b>   | <b>2:25pm-2:30pm</b> |
| <ul style="list-style-type: none"> <li>• Upcoming special meetings           <ul style="list-style-type: none"> <li>○ Monday 9/26, 1 to 3:30 PM – Combined HUD CoC Meeting on Regular NOFO               <ul style="list-style-type: none"> <li>▪ All members discuss, unconflicted members vote on rating and ranking</li> </ul> </li> <li>○ Monday 10/17, 2 to 3 PM - Combined HUD CoC Meeting on Supplemental NOFO               <ul style="list-style-type: none"> <li>▪ All members discuss, unconflicted members vote on rating and ranking</li> </ul> </li> </ul> </li> <li>• Upcoming trainings           <ul style="list-style-type: none"> <li>▪ 11/3 and 11/4 Racial Equity and Authentic Engagement with Individuals with Lived Experience training (In Person). 12-4 PM each day at the Preservation Park Ginn House in Oakland.</li> </ul> </li> </ul> |                      |
| <b>6. Committee Approval (carryover item)</b>  | <b>2:30pm-2:45pm</b> |
| <ul style="list-style-type: none"> <li><i>Action item</i></li> <li>• <i>HMIS Committee – Standalone Committee (Katie Haverly/Mike Keller/Nic Ming)</i></li> </ul>  |                      |
| <b>5. HHIP investment Plan presentation (Tami Lewis and Kerry Landry)</b>  | <b>2:45pm-3:00pm</b> |
| <i>Update and Discussion</i>   |                      |

**5. RFQ for CoC Operations Support** (carryover item, Moe Wright)

**3:00pm-3:30pm**

- *Update and Discussion*

**6. Transition Committee** (Katie Haverly and Moe Wright)

**3:30pm-4:00pm**

- *Update on the Racial Equity Workgroup*
- *Update on Nominating Committee and Committee Recruitment*
- *Update on Board Charter revisions and recommendations*

**Next Regular Meeting: October 27,2022 from 2-4 PM**

## BRIEFING MEMORANDUM

**TO:** Oakland-Berkeley-Alameda County Continuum of Care (CoC) Leadership Board Members and CoC Committee Members

**FROM:** Moe Wright, Chair of the Leadership Board

**DATE:** August 18, 2022

**SUBJECT:** Procurement Process for Staffing the Berkeley, Oakland Alameda County Continuum of Care (CoC)

---

### Background

This memo is written to frame the issues that will be discussed by both the Leadership Board and the CoC Committee.

On June 16, 2022, at the direction of the Alameda County Board of Supervisors (BOS), the Community Development Agency Housing and Community Development Department (HCD) issued [a Request for Qualifications and Proposals \(RFQ\) for CoC Operations Support](#). The due date for applications was July 14, 2022.

Three applications were scored by HCD. One each from Focus Strategies, Homebase and EveryOne Home, a project of the Tides Center. Homebase scored highest, EveryOne Home second, and Focus Strategies third. The Organizational Health Committee and EveryOne Home Staff was informed of this decision on Monday August 8<sup>th</sup>. They filed an appeal to the Notice of Award on August 12, 2022. No result of the appeal has been announced as of the writing of this memo.

Since 2008, EveryOne Home has staffed the activities of the CoC and other boards and committees that come under the umbrella of the EveryOne Home Governance Charter that was recently amended and adopted in February of 2022. Much of the budget for this staffing comes from a Planning Grant, \$1,142,763, that is part of the annual HUD Continuum of Care Program Competition (HUD Grant). It is a portion of the Planning Grant that could be awarded to Homebase, if this process is upheld. This will result in a switch in the staffing of CoC activities starting November 2022.

Alameda County is designated by our local CoC as the Collaborative Applicant for the HUD Grant and it has certain rights and responsibilities in administering the grant funds. HCD, as the county department that is currently functioning as the Collaborative Applicant, has stated that they have full authority to apply a procurement process in this circumstance to the issuing of a contract for the CoC Support services. EveryOne Home asserts the [HUD Interim Rule 24CFR 578 Subpart B](#) says that the authority of the Collaborative Applicant must be designated in the Governance Charter. The Berkeley, Oakland Alameda County Continuum of Care's Governance Charter does not delegate the authority to select the entity for staffing the CoC to the Collaborative Applicant. Rather, it designates EveryOne for that role and has reinforced that intention by approving a CoC Planning Grant for the last seven grant cycles that identifies EveryOne Home as the sub-recipient who will provide those services. EveryOne Home sought legal advice on this authority and received a memo (attached)

## Discussion:

The Leadership Board and the CoC should discuss a way to explore and if necessary exert their authority to select recipients of the Planning Grant. The decision as to how to staff the CoC is important because all parties rely on an independent staff that is under the control of the CoC and will fairly represent the diversity of thought of all stakeholders. The Leadership Board and the CoC could decide to accept or reject the results of the county procurement process. They could develop another procurement process or they could affirm the decision that is stated in the [governance charter](#) which appoints EveryOne Home as the “backbone” staffing for the CoC (pages 24 and 25 of the Governance Charter denoted below).

## EveryOne Home as the Backbone Organization

### *Purpose*

EveryOne Home will serve as the backbone organization for the collective impact model, the CoC work, and provide staffing for boards and committees. It will convene forums focused on lived experience, racial equity, and support for non-profits, cities, and other stakeholders.

### *Roles*

- Provide staffing for all boards, committees, and workgroups
- Work with chairs and co-chairs to develop annual work plans and set meeting agendas
- Provide notes and follow up guidance after meetings
  
- Implement activities between board/committee/workgroup meetings to advance the work of these bodies between their formal meetings
- Develop reports and other products related to gaps, impact, and other aspects of the collective impact model
- Convene stakeholder forums: Provider Forum, Racial Equity Forum, and Lived Experience Forum, to meet at least quarterly
- Serve as a hub of communication for all boards, committees, and workgroups, and for the broader membership

### *Independent Oversight of Everyone Home*

EveryOne Home is a separate entity from the collective impact model and the Continuum of Care and will report to a EveryOne Home Directors Committee and transition to having its own Board of Directors. Once established, the EveryOne Home Board of Directors will develop and oversee its own committee structure, separate from the collective impact Leadership Board and committee structure, in order to assure the long-term financial stability and impact of EveryOne Home, the backbone organization.

To ensure strong coordination, the EveryOne Home Board of Directors will include, at minimum, two seats reserved for people who are also on the collective impact Leadership Board. While the staff of EveryOne Home will be accountable to the Leadership Board on its performance related to collective impact activities and its role as the backbone organization, the Leadership Board will not have legal or fiduciary authority over EveryOne Home as an entity.

## Memorandum

To: Morris Wright, Board Chair, EveryOne Home  
From: Hannah Holden  
CC: Megan Glasheen  
Date: April 18, 2022  
Re: Memorandum regarding the authority of the Alameda County Housing and Community Development Department (“HCD”) as Collaborative Applicant of the Alameda County CoC (the “CoC”)

---

### I. Introduction

You, as the Board Chair of EveryOne Home, have asked us whether, based on our review of the statute and regulations governing the federal Continuum of Care program (the “CoC Program”), HCD has the authority to require EveryOne Home to go through a procurement process to retain its role as the “backbone” organization of the CoC and for its fiscal agent to enter into a pass-through agreement with HCD for grant funds awarded to HCD (as Collaborative Applicant) by the Secretary of the United States Department of Housing and Urban Development (“HUD”).

In researching this question, we reviewed the following:

1. the Alameda County Continuum of Care / Everyone Home Governance Charter (the “Charter”);
2. the Continuum of Care Program (CDFA# 14.267) Grant Agreement between HUD and HCD dated April 6, 2021 (the “Grant Agreement”), awarding \$1,058,132 in funds (the “Grant Funds”) for the performance period beginning May 1, 2022, and ending April 30, 2023 (the “Performance Period”);
3. the County of Alameda Standard Services Agreement (Contract No. 18266), as amended (the “Pass-Through Contract”);
4. the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11301 (the “Act”) which authorized the CoC Program; and
5. 24 CFR Part 578 (the “Regulations”).

Through our review of the above, we have concluded that HCD, in its role as Collaborative Applicant, does not have this authority for the following reasons:

1. The CoC Leadership Board and CoC membership designated EveryOne Home as the backbone organization of the CoC and HCD as the Collaborative Applicant in the Charter;

2. The CoC Program and Grant Agreement are governed by the Act and the Regulations; and
3. EveryOne Home provides support and staffing to the CoC Leadership Board, and if HCD were to procure a new backbone organization before the start of the Performance Period, the CoC would be unable to perform its responsibilities mandated by the Regulations.

## **II. Reasoning**

### **1. The CoC Leadership Board and CoC Membership designated EveryOne Home as the Backbone Organization and HCD as the Collaborative Applicant in the Charter.**

Per § 578.7 of the Regulations, the CoC is required to, “in consultation with the collaborative applicant...develop, follow, and update annually a governance charter...” The CoC shares a governance charter with EveryOne Home. In the Charter, which was approved by the CoC Leadership Board on January 20, 2022, and ratified by the CoC membership on February 2, 2022, the CoC designated EveryOne Home as the backbone organization of the CoC. HCD, as a member of the CoC Leadership Board, consulted with EveryOne Home during the lengthy process of updating the Charter that began in December 2020, and approved the Charter and the designation of EveryOne Home as the backbone organization. HCD could have voiced concerns regarding EveryOne Home as the backbone organization during this process. Instead, HCD approved the Charter.

As the Regulations require annual updates to the Charter and the current version was approved in 2022, EveryOne Home should serve as the backbone organization during the Performance Period of the Grant Funds. Additionally, EveryOne Home was serving as the backbone organization of the CoC when HCD entered into the Grant Agreement with HUD in 2021, and was designated as such in the previous version of the Charter approved in late 2019.

A Collaborative Applicant, as defined in § 578.3 of the Regulations, is “the eligible applicant that has been designated by the Continuum of Care to apply for a grant for Continuum of Care planning funds under this part on behalf of the Continuum.” Per § 578.15 of the Regulations, “[e]ligible applicant(s) must have been designated by the Continuum of Care to submit an application for grant funds under this part.” HCD was designated as the Collaborative Applicant in the Charter. However, as stated in § 578.9 of the Regulations, “[t]he Continuum retains all of its responsibilities, even if it designates one or more eligible applicants other than itself to apply for funds on behalf of the Continuum. This includes approving the Continuum of Care application.” Therefore, HCD’s role as the Collaborative Applicant is to apply for grant funds, while the CoC retains the responsibilities listed at § 578.7 of the Regulations.

Additional guidance regarding Collaborative Applicants on the HUD Exchange website states that “[t]he CoC may assign additional responsibilities to the Collaborative Applicant so long as these responsibilities are documented in the CoC's governance charter.”<sup>1</sup> HCD’s authority is

---

<sup>1</sup> <https://www.hudexchange.info/faqs/reporting-systems/e-snaps-homeless-assistance-application-and-grants-management-system/coc-application/accessing-coc-consolidated-application/what-is-a-collaborative-applicant/>

limited by the Charter, and the CoC has not assigned to HCD the responsibility of selecting the backbone organization of the CoC.

Furthermore, it is important to not set the precedent that one member of the CoC Leadership Board has the authority to alter the terms of the Charter without first obtaining the approval of the full CoC Leadership Board and the CoC Membership. HCD is only one component of the CoC and does not have the authority to act on behalf of the entirety of the CoC.

## **2. The CoC Program and Grant Agreement are governed by the Act and the Regulations.**

The Grant Funds are subject to the Grant Agreement, which is governed by the Act and the Regulations. Neither the Act nor the Regulations require a procurement process for the backbone organization, and instead defer to the CoC's Charter to include all procedures and policies needed to comply with CoC Program requirements.

Additionally, per Sec. 421 of the Act, the purpose of the CoC Program is “to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness...” As EveryOne Home provides direct staffing and support to the CoC, requiring EveryOne Home to jump through hurdles to retain the role as backbone organization when it has already been designated as such in the Charter would consequently cause delays in rehousing homeless individuals and families and negate the purpose of the Act.

## **3. EveryOne Home exists to provide staffing and support to the CoC Leadership Board.**

EveryOne Home exists to provide staffing and direct support to the CoC Leadership Board, and per the Charter, the CoC Leadership Board is responsible for “assuring compliance with HUD Continuum of Care regulations and requirements.” If HCD were to procure a new backbone organization before the start of the Performance Period, it is likely that the CoC would be unable to perform its federally mandated responsibilities as EveryOne Home would not be providing staffing and support to the CoC Leadership Board. Consequently, HCD would also be unable to remain in compliance under the Grant Agreement. This domino effect would greatly hinder the purpose of the CoC Program and the CoC's mission to end homelessness in Alameda County.

As HCD stated in its memorandum to the Board of Supervisors requesting the approval of Amendment No. 2 to the Pass-Through Contract dated July 21, 2020, “[t]he work of EveryOne Home is necessary to support the Continuum of Care in fulfilling its role as required by HUD.”

Accordingly, based on our review of the Act, the Regulations, and the Charter, we do not believe that the County has the discretion to withhold grant funds and to procure a new backbone provider during the Performance Period.