

Leadership Board Authority: Meeting Slides

Presented by Racial Equity Committee

February 9, 2023

Polls: Did you review the reference slides in advance?

How useful were they? (Scale 1-5)

Authority and Responsibilities of the CoC

Brief Recap

Authority of the Leadership Board

Where does the Leadership Board get its authority from?



- HUD
- Federal regulations (24 CFR § 578)
- The CoC general membership
- The Governance Charter

Key responsibilities of the CoC

(24 CFR § 578.7-§ 578.9)



(a) Operate the Continuum of Care



(a) Designating and operating an HMIS



(a) Continuum of Care planning



(a) Preparing an application for funds (NOFO)

Current Entities Designated by the Leadership Board

CoC Role	Current Entity Fulfilling the Role
Collaborative Applicant	Alameda County-Housing & Community Development
HMIS Lead	Alameda County-Housing & Community Development
Coordinated Entry Management Entity	Alameda County-Office of Homeless Care and Coordination
CoC Operations Support and Staffing (also called backbone organization)	LB designated EveryOne Home; Alameda County HCD selected Homebase through an RFQ



Authority of Board with a designated Collaborative Applicant

Per 24 CFR § 578.9(b):

“The Continuum retains all of its responsibilities, even if it designates one or more eligible applicants other than itself to apply for funds on behalf of the Continuum.”

Poll: How clear are you about the roles and responsibilities of the Leadership Board in leading the CoC?
(1=not at all clear, 5=very clear)

Leadership Board Authority is an Equity Issue



Key Equity Principles Reminder

Systems focused, outcome, and data-driven

Shift people's participation from gatekeepers to agents of institutional transformation (change agents)

Take action to identify and address institutional elements of racism (structural, systemic, individual)

Stay grounded in history and root causes of racial inequity

Be accountable to those most impacted by racial disparities

*Adapted from [principles](#) from *The People's Institute of Survival and Beyond* by Darlene Flynn and equity teams with the City of Oakland*

Leadership Board Represents the Community

The Leadership Board represents **people experiencing homelessness**. It brings together key stakeholders including organizations that serve people experiencing homelessness.

The LB represents the community, rather than a County, City, or any one organization.

In Alameda County, the majority of people experiencing homelessness are Black and other People of Color.

Reminder

The people most impacted by shortcomings and successes of the CoC are Black, Indigenous, and other People of Color experiencing homelessness.

It is important to increase our accountability to groups most impacted by disparities.

Poll: Do you have a clear sense of the equity implications related to the Leadership Board's authority?
(1=not at all clear, 5=very clear)

Conflict of Interest

Discussion

Conflicts of Interest

*“Continuum of Care board members. **No Continuum of Care 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.” (CFR § 578.95(b))*

Polls:

Have you ever experienced a conflict of interest as a Leadership Board member?

(Yes, no, unsure)

Do you have concerns that your organization's funding could be jeopardized based on how you participate in the CoC?

Discussion

Potential conflicts of interest:

How do we name and navigate potential conflicts of interest as Leadership Board members?

Delegating Authority

Green Flags and Red Flags

Delegating Authority

The Leadership Board can delegate authority and some decision-making power to:

- Other committees
 - Ex. NOFO Committee reviews and ranks NOFO projects
- To core entities that the Leadership Board designates
 - Ex. Collaborative Applicant submits the collaborative application for the CoC NOFO

Many Types of Designated Entities

Each CoC Board can decide how to designate entities (Collaborative Applicant, HMIS, Coordinated Entry Management, etc.) . Different CoCs decide on different structures.

Some CoCs have entities that are:

- County Governments
- City Governments
- Independent nonprofits

Green flags when delegating authority



- Clear, written agreements and scopes of work
- Clear process for renewing and/or ending agreements
- Transparent communication
- Designated entity follows directions and guidance from LB
- Designated entity does not make decisions beyond its scope of authority
- Clear reporting structure
- Regular evaluation of activities

Red flags when delegating authority



- Lack of written agreements and scopes of work
- No clear process for renewing and/or ending agreements
- Decisions made secretly or inconsistent communication
- Designated entity makes decisions beyond the scope of decisions delegated by the LB
- Lack of a clear reporting structure
- Infrequent or absent evaluation of activities

Discussion

Red flags/green flags:

What recent green flags and/or red flags have come up when designating authority to the core entities?

These include the: Collaborative Applicant, HMIS Lead, Management Entity, backbone/staffing organization

Strengthening the Authority of the Leadership Board

Options and Discussions

Strategies to Strengthen the Authority of the Leadership Board

- Clear, documented agreements
- Communicate the authority of the Leadership Board
- Direct HUD engagement
- Explore legal options
- Consider selecting new core entities
- Choose to delegate authority to select staffing entity to the Collaborative Applicant

Clear, Documented Agreements

What this could look like:

- Memorandum of Understanding with each of the core entities
- Clear process for selecting, evaluating, and replacing core entities in governance charter

Communicate the Authority of the Leadership Board

What this could look like:

- Regular reporting from core entities to the LB
- Transparent communication re: decision-making
- LB can write a letter/memo if a committee or entity oversteps authority
- If needed, attend meetings with leaders of core entities, such as the Alameda County Board of Supervisors

Direct HUD Engagement

What this could look like:

- Leadership Board maintains direct, regular communication with HUD representatives
- Re: current conflicts around the authority of the Leadership Board and Collaborative Applicant
 - Leadership Board could engage HUD directly and request guidance

Explore Legal Options

What this could look like:

- Consult legal counsel to explore options regarding the current conflict of authority
 - Seek legal counsel in Alameda County with expertise in federal law/regulations and administrative law
- Legally challenge the decision about staffing

Consider Selecting New Core Entities

What this could look like:

- Evaluate whether the current core entities meet the needs of the CoC
- If not, explore alternatives for new core entities, such as a new Collaborative Applicant
- May need to build up the capacity of an independent nonprofit organization to serve in a core role

Choose to delegate authority to select staffing entity to the Collaborative Applicant

What this could look like:

- Review decision for the Leadership Board to keep the authority to select the staffing entity
- The Leadership Board could choose to delegate this authority to the Collaborative Applicant

Discussion

Next Steps to Strengthen Authority:

- What action steps should the Leadership Board take to strengthen our authority?

Poll

Which of these options do you think the Leadership Board should pursue?

- Clear, documented agreements
- Communicate the authority of the Leadership Board
- Contact the Board of Supervisors
- Direct HUD engagement
- Explore legal options
- Consider selecting new core entities
- Consider delegating authority to Collaborative Applicant to select staffing agency

Poll

Which of the following options do you support the Leadership Board pursuing? Select all that apply.

- Consult legal counsel
- Pursue legal action to stop the County's decision on staffing (e.g., cease and desist letter)
- Undecided
- None of the above

Discussion

Accountability of Entities

- How do designated entities respect their roles? How does the Leadership Board hold entities accountable?

Are there follow up training needs after this meeting related to this topic? If so, let us know in the chat.