

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

April 7, 2026

FROM

Rob Gilliam, Acting Director, Community Development and Housing

SUBJECT

Joint Exercise of Powers Agreement to Establish the San Bernardino Regional Housing Trust

RECOMMENDATION(S)

1. Approve the Joint Exercise of Powers **Agreement No. 26-244**, including non-standard terms, to establish the San Bernardino Regional Housing Trust, for the purpose of creating a regional entity to coordinate, leverage, and deploy resources and financing tools to support the development and preservation of housing within the county, effective on the date on which the agreement is executed by at least three participating agencies and continuing until terminated by consent of a majority of the member agencies and upon full and complete liquidation of all liabilities.
2. Authorize the Chief Executive Officer to execute the Joint Exercise of Powers Agreement establishing the San Bernardino Regional Housing Trust.
3. Authorize the Chief Executive Officer, Assistant Executive Officer, or Deputy Executive Officer to execute any subsequent non-substantive amendments to the Joint Exercise of Powers Agreement, subject to review by County Counsel.
4. Direct the Deputy Executive Officer to transmit the Joint Exercise of Powers Agreement, and any subsequent non-substantive amendments to the Joint Exercise of Powers Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Rob Gilliam, Acting Director, 382-3983)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Promote and Fulfill the Countywide Vision.

Foster Sustainable Development Through Strategic Partnerships.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). This action establishes San Bernardino County (County) as an original member agency of the San Bernardino Regional Housing Trust Joint Powers Authority (Trust) and approves the governance framework for the Trust.

Establishment of the County as a member agency of the Trust obligates it to participate in the Trust's administrative costs through annual contributions referred to as Administrative Fees. Administrative Fees will be allocated among member agencies in accordance with a cost allocation methodology determined and approved annually by the Trust's Board of Directors. The resulting cost to each member agency will depend on the number of jurisdictions that ultimately participate. Preliminary estimates indicate the annual Administrative Fee for each

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participating jurisdiction will range from approximately \$31,000 to \$55,000, based on approval of participation in the Trust by the city and town councils of eight jurisdictions as of March 24, 2026, together with the County's anticipated participation. Additional cities have since confirmed participation, which is expected to reduce the estimated cost per jurisdiction.

The Administrative Fees will be funded by the Homeless Housing, Assistance and Prevention Program Round 4 via the Office of Homeless Services (OHS). As the Trust is not expected to adopt an operating budget until 2026–27, the Community Development and Housing Department (CDH) does not anticipate incurring Administrative Fees in the current year. Adequate appropriation and revenue will be included in the CDH future Recommended Budgets.

BACKGROUND INFORMATION

CDH administers federal, state, and local housing and community development resources on behalf of the County. The Department also implements Board-directed strategies to expand housing opportunities and address homelessness through partnerships with cities, community-based organizations, developers, and other regional stakeholders. CDH supports these efforts by coordinating funding, facilitating project development, and leveraging resources to increase the availability of affordable housing and supportive services.

The San Bernardino Council of Governments (SBCOG) is a regional collaborative forum through which local jurisdictions coordinate on shared issues impacting the County. SBCOG's governance includes representation from cities and the County Board of Supervisors; it has supported planning and implementation work to establish a regional housing trust model.

The County and its cities continue to face significant challenges related to housing affordability and supply, including increasing the availability of housing for extremely low-, very low-, low-, and moderate-income households and expanding housing options that support individuals and families experiencing homelessness. Regional coordination and financing tools can support coordinated funding strategies and improve competitiveness for funding opportunities by providing a countywide platform to pool resources, administer programs, and deploy financing tools consistent with the Joint Exercise of Powers Agreement (Agreement).

Through this effort, the Trust is being established as a separate legal entity via the Joint Exercise of Powers Agreement. The Trust is intended to complement existing local housing programs by providing a flexible regional mechanism to attract, pool, and deploy resources in support of affordable housing development and preservation. Under the Agreement, the Trust may, among other activities, receive and administer funds; contract for professional services; acquire, hold, and dispose of real and personal property; make and receive loans and other financing; procure insurance; adopt governing bylaws/policies; and otherwise carry out activities to facilitate the acquisition, construction, rehabilitation, financing, operation, and maintenance of affordable housing consistent with applicable law.

The Agreement establishes governance and operating authorities consistent with Government Code requirements for regional housing trusts and includes protections clarifying that local land-use authority remains solely with each member agency. The Agreement also sets parameters for membership and administration, including that the Trust's Board will include locally elected officials and experts who are aligned with the Trust's housing and homelessness mission. The Trust's Board of Directors will include one elected official from each participating jurisdiction and at least two unelected subject-matter experts in the field of housing and/or homelessness.

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Under the Agreement, member agencies are responsible for the Trust's administrative costs through annual contributions referred to as Administrative Fees. The Trust will invoice member agencies for Administrative Fees, and payment is due within 30 days of invoice.

The terms and conditions of the Agreement include terms that differ from the standard County agreement. The non-standard terms include the following:

1. Termination of the Agreement requires consent of a majority of member agencies and liquidation of liabilities.
 - The standard County contract term is five years.
 - Potential Impact: The Agreement has no fixed termination date and is set to continue until it is terminated or dissolved. The Agreement can be terminated by the consent of a majority of member agencies and only after complete liquidation of all of its liabilities, including bonds. A member agency may also withdraw independently upon its governing board's adoption of a resolution, with withdrawal effective at the end of the fiscal year at least six months after the Trust receives written notice, and such withdrawal generally results in forfeiture of rights to property distribution upon eventual termination. There is no explicit provision for termination for convenience by any party without cause, nor is there a fixed maximum duration for the Agreement.
2. The Agreement does not contain the County's insurance standards as required pursuant to County Policies 11-05, 11-07, and 11-07SP.
 - County policy requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and as set forth in County policy and in the County standard contract.
 - Potential Impact: The Agreement authorizes the Trust to acquire insurance protection as it deems necessary and establish a liability reserve fund, purchase commercial insurance, and/or join a joint powers insurance authority. No specific insurance coverage types, minimum limits, or detailed requirements for insurance policies are prescribed in the Agreement.
3. The Trust will indemnify and hold harmless each member agency from and against any loss, injury, claim, lawsuit, liability, expense or damages brought by a third party arising out of the Trust's action and omissions but will not extend to the member agency's active negligence, omissions, or willful misconduct. Each member agency shall assign to the Trust its rights, title and interest to recover damages from any third party for claims arising out of the Agreement.
 - County Policy No. 11-05 requires indemnification in compliance with County Policy No. 11-07.
 - Potential Impact: The Trust will be required to defend, indemnify, and hold harmless each member agency from any third-party loss, injury, claim, lawsuit, liability, expense, or damages that arise from the Trust's acts or omissions, but it will not cover the County's active negligence, omissions or willful misconduct.

Approval of this item authorizes County participation in the governance framework and positions the County to pursue and support future Trust-related opportunities as program policies, application criteria, and funding strategies are finalized. If two additional cities do not execute the Agreement, SBCOG will revisit the agreement structure and Trust formation rather than the County defaulting to full responsibility for administrative costs.

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PROCUREMENT

Not Applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on March 23, 2026; Risk Management (Stephanie Mead, Staff Analyst II, 386-9044) on March 26, 2026; and County Finance and Administration (Paul Garcia, Administrative Analyst III, 387-4205) on March 23, 2026.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 7, 2026



cc: CDH - Gilliam w/agree for sign
Contractor - c/o CDH w/agree
File - JPAs/San Bernardino Regional Housing Trust
CCM 04/7/2026