

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

March 26, 2024

FROM

DIANE RUNDLES, Assistant Executive Officer, Community Revitalization

SUBJECT

Non-Financial Memorandum of Understanding with the San Bernardino City and County Continuum of Care for the Regionally Coordinated Homelessness Action Plan

RECOMMENDATION(S)

1. Approve non-financial Memorandum of Understanding, including a non-standard term, with the San Bernardino City and County Continuum of Care as part of the Grant Application to the State of California Interagency Council on Homelessness for Homeless Housing, Assistance and Prevention Program Round 5 Funding.
2. Authorize the Chief of Homeless Services of the Office of Homeless Services to execute the non-financial Memorandum of Understanding with the San Bernardino City and County Continuum of Care to participate in and comply with the Regionally Coordinated Homelessness Action Plan, effective March ~~26~~¹², 2024.
3. Direct the Chief of Homeless Services of the Office of Homeless Services to transmit the Memorandum of Understanding to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Marcus Dillard, Chief of Homeless Services, 501-0610)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

This item does not impact Discretionary General Funding (Net County Cost) as the Memorandum of Understanding (MOU) is non-financial in nature.

BACKGROUND INFORMATION

Under the terms of the recommended MOU, the San Bernardino County (County) Office of Homeless Services (OHS) and San Bernardino City and County Continuum of Care (CoC) will commit to uphold, participate in, and comply with the actions, roles, and responsibilities as described in the Homeless Housing, Assistance and Prevention (HHAP) Program Round 5 Regionally Coordinated Homelessness Action Plan (Plan). The Plan is a required component of the HHAP Program Round 5 grant application and describes a strategic approach to address homelessness within the region, emphasizing collaborative efforts among participating applicants.

Actions of OHS and the CoC, as described in the Plan, include improving system performance measures, ensuring racial and gender equity, reducing exits to homelessness from institutional settings, and utilizing federal, state, and local funding programs to reduce homelessness. Roles and responsibilities include those that pertain to outreach and site coordination, siting and use of available public land, the development of interim and permanent housing options, and coordinating, connecting, and delivering prevention and wraparound services from all eligible

federal, state, and local benefit programs to individuals experiencing or at risk of experiencing homelessness.

The HHAP Program is a state block grant program designed to provide jurisdictions with one-time grant funds to support regional coordination and expand or develop local capacity to address homelessness challenges. The HHAP Program Round 5 grant will support the expansion of current efforts that the County and CoC are undertaking to solve regional homelessness. The Board of Supervisors (Board) has been accepting HHAP Program grants (Rounds 1 through 4) since 2020.

On September 29, 2023, the State of California Interagency Council on Homelessness (Cal ICH) released the Notice of Funding Availability and application template for the HHAP Program Round 5 grant. The grant application is due to the State on or before March 27, 2024. As part of the application, an MOU between the County and the CoC, committing to participate in and comply with the Plan, must also be submitted by the same deadline.

On March 12, 2024 (Item No. 19), the Board approved and authorized the submission of the HHAP Program Round 5 grant application to Cal ICH for the CoC in the estimated amount of up to \$6,032,369 and for the County in the estimated amount of up to \$5,787,524. When funding is awarded, a future item will be presented to the Board to accept the grant awards, execute the grant agreements, and make necessary budget adjustments.

The proposed MOU with the CoC contains the following term that differs from the standard County contract:

1. The County is required to indemnify and defend the CoC from claims arising from the County's negligent acts under the MOU.
 - The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to indemnify CoC, if the County was negligent in complying with the terms of the MOU, the County could be responsible to defend and reimburse the CoC for costs, expenses and damages arising from a claim against the CoC.

OHS recommends approval of the MOU, including the non-standard term, as it is part of the HHAP Program Round 5 grant application.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on March 13, 2024; Risk Management (Victor Tordesillas, Deputy Executive Officer, 386-8623) on March 19, 2024; Finance (Christopher Lange, Administrative Analyst, 386-8393) on March 12, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on March 12, 2024, 2024.