

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

June 11, 2024

**FROM**

**DIANE RUNDLES, Assistant Executive Director, Community Revitalization**

**SUBJECT**

Memoranda of Understanding with the San Bernardino City and County Continuum of Care

**RECOMMENDATION(S)**

1. Approve the following Memoranda of Understanding, effective May 7, 2024 through December 31, 2028, including a non-standard term, on behalf of San Bernardino County:
  - a. A Memorandum of Understanding (**Agreement No. 24-486**) with the San Bernardino City and County Continuum of Care designating the San Bernardino County Office of Homeless Services as the Continuum of Care's Administrative Entity; and
  - b. A Memorandum of Understanding (**Agreement No. 24-487**) with the San Bernardino City and County Continuum of Care designating the San Bernardino County Office of Homeless Services as the Continuum of Care's Collaborative Applicant; and
  - c. A Memorandum of Understanding (**Agreement No. 24-488**) with the San Bernardino City and County Continuum of Care designating the San Bernardino County Office of Homeless Services as the Homeless Management Information System's Administrative Entity.
2. Authorize the Chief of Homeless Services to execute the Memoranda of Understanding referenced in Recommendation No. 1, on behalf of San Bernardino County, and any subsequent non-substantive amendments and all other ancillary supporting documents necessary for the administration of these Memoranda of Understanding, subject to County Counsel review.
3. Direct the Chief of the Office of Homeless Services to transmit the Memoranda of Understanding with the San Bernardino City and County Continuum of Care referenced in Recommendation No. 1, and subsequent non-substantive amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Marcus Dillard, Chief of Homeless Services, 501-0644)

**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**

Approval of this item will not impact Discretionary General Funding (Net County Cost). As the designated Continuum of Care (CoC) Administrative Entity, Collaborative Applicant, and the Homeless Management Information System (HMIS) Administrative Entity for the San Bernardino City and County Continuum of Care (CoC), the Office of Homeless Services (OHS) will receive the administrative allocation for any funding sources from which it applies and

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receives on behalf of the CoC. Budget adjustments are not requested at this time but may be included in future Board of Supervisors (Board) actions or recommended budgets, as needed.

**BACKGROUND INFORMATION**

The Memoranda of Understanding between the CoC and OHS will memorialize the designation of OHS as the Administrative Entity, Collaborative Applicant, and Administrative Entity of HMIS.

As mandated by the U.S. Department of Housing and Urban Development (HUD), OHS, as the designated Collaborative Applicant, is responsible for the submission of the Continuum of Care Registration, CoC Consolidated Application, including the CoC Application and CoC Priority Listing, and applying for CoC planning funds on behalf of the CoC during the CoC Program Competition. OHS has also been assigned additional responsibilities by the CoC, such as the development and administration of the annual Point-In-Time Count (PITC), the development and provision of in-person and virtual training sessions on topics related to homelessness and conducting annual performance reviews.

OHS's role as the Administrative Entity is similar to its role as the Collaborative Applicant except that the Administrative Entity role pertains to state funding and programs. As the Administrative Entity, OHS is responsible for the administration of state grants such as the Homeless Housing, Assistance and Prevention (HHAP) Grant and the Encampment Resolution Funding (ERF) Grant. OHS has acted as the CoC's Administrative Entity since 2008.

As the designated HMIS Administrative Entity, OHS is responsible for managing HMIS on behalf of the CoC. While the CoC retains ultimate authority and responsibility for HMIS, OHS is responsible for the administration, management, and operation of the HMIS, in addition to providing end user training and meeting reporting requirements for funders.

The CoC Program, as established through an amendment to the federal McKinney-Vento Homeless Assistance Act by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), is designed to assist individuals and families experiencing homelessness and provide the services needed to help such individuals and families move into transitional and permanent housing, with the goal of long-term stability. More broadly, the Program is designed to promote community-wide planning and strategic use of resources to address homelessness; improve coordination and integration with mainstream resources and other programs targeted to people experiencing homelessness; improve data collection and performance measurement; and allow communities to tailor their programs to the strengths and challenges. The CoC is the local planning body charged with implementing the purposes and intentions of the CoC Program.

The Memoranda of Understanding with the CoC include a term that differs from the standard County contract:

The County is required to indemnify, defend, and hold harmless the CoC from any and all claims, actions, losses, damages, and/or liability arising from the County's negligent acts and errors or omissions.

- The County standard contract does not include any indemnification or defense by the County of a contractor.
- Potential Impact: By agreeing to indemnify the CoC, the County could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the County, time limited, or expense limited could be

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brought against the CoC without such limitations and the County could be responsible to defend and reimburse the CoC for costs, expenses, and damages.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on April 10, 2024; Finance (Christopher Lange, Administrative Analyst, 386-8393) on April 22, 2024; County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0332) on April 23, 2024.

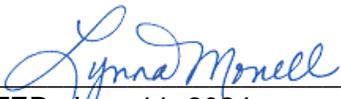
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Record of Action of the Board of Supervisors  
San Bernardino County

**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: June 11, 2024



cc: CR - Dillard w/ agrees for sign  
Contractor c/o CR w/ agree  
File w/ agree  
JLL 06/21/2024