

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

**September 24, 2024**

**FROM**

**JEANY ZEPEDA, Director, Children and Family Services**

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

**SUBJECT**

Non-financial Memorandum of Understanding for the Family Unification Program and Foster Youth Initiative

**RECOMMENDATION(S)**

1. Terminate Memorandum of Understanding No. 23-323 between Children and Family Services, the Office of Homeless Services, and the Housing Authority of the County of San Bernardino regarding the Family Unification Program.
2. Approve a non-financial Memorandum of Understanding **Contract No 24-948**, including non-standard terms, between Children and Family Services, the Office of Homeless Services, and the Housing Authority of the County of San Bernardino regarding the Family Unification Program and Foster Youth Initiative, for the provision of housing subsidies to families, youth, and young adults, including additional responsibilities for each department, for the period of September 24, 2024 through August 31, 2027.
3. Authorize the Chief Executive Officer, Assistant Executive Officer, or Chief of Homeless Services and Director of Children and Family Services, to execute any subsequent non-substantive amendments to the Memorandum of Understanding, on behalf of the County, subject to review by County Counsel.
4. Direct the Director of Children and Family Services to transmit any subsequent non-substantive amendments to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Jeany Zepeda, Director, 387-2792)

**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**

The Memorandum of Understanding (MOU) between Children and Family Services (CFS), Office of Homeless Services (OHS) and the Housing Authority of the County of San Bernardino (HACSB) is non-financial and does not impact Discretionary General Funding (Net County Cost).

**BACKGROUND INFORMATION**

The Family Unification Program (FUP), funded by the United States Department of Housing and Urban Development (HUD), provides housing subsidies with supportive services to families for whom the lack of adequate housing is a primary factor in the separation, or imminent

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separation, from their children. HACSB currently administers FUP, which provides housing subsidies to approximately 123 eligible families. FUP also provides housing subsidies with supportive services to young adults who are at least 18 years and not more than 24 years of age, who, at age 16 or older, left foster care, or will leave foster care within 90 days, in accordance with a transition plan, and are homeless or are at risk of becoming homeless.

On May 9, 2023 (Item No. 19), the Board of Supervisors approved non-financial MOU No. 23-323 between CFS, OHS, and HACSB, including nonstandard items, for the provision of housing subsidies to families and young adults. Under the program, FUP provides housing subsidies to approximately 123 eligible families.

The Foster Youth Initiative (FYI) is a HUD-funded program providing rental assistance to young adults that CFS has certified to be at least 18 years old and not more than 24 years of age who left foster care at age 16 or older, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act, and are homeless or at risk of becoming homeless. This is the same population as the FUP young adults.

HUD provides housing vouchers through FYI to serve young adults, who meet the eligibility criteria under FUP. Non-competitive FYI vouchers are available on a rolling basis throughout the year. OHS and CFS will work together to identify FUP/FYI eligible youth who are not currently within the CFS caseload. CFS refers eligible young adults to HACSB. In turn HACSB will submit a request to HUD for FYI vouchers. However, to qualify for FYI vouchers, HACSB, CFS and OHS must first include the FYI program in the MOU for the FUP.

The recommended MOU, which supersedes MOU No. 23-323, adds FYI program to the FUP. This will allow HACSB to request FYI as well as FUP vouchers from HUD.

HACSB is a member of a risk retention pool for purposes of Professional Liability, General Liability, Automobile Liability, and Workers' Compensation. HACSB's board and insurance company require certain terms and conditions that differ from the standard County contract. The non-standard terms included in the MOU are as follows:

1. Each party will indemnify and hold the other party harmless from and against any and all liability, losses, expenses (including reasonable attorneys' fees), claims for injury, and damages arising out of the performance of this MOU to the extent that the damages or losses are caused by actions of the indemnifying party.
  - The County standard contract does not include any indemnification or defense by the County of a contractor.
  - Potential Impact: In the event of a claim, by agreeing to indemnify HACSB, the County could be financially responsible for the defense of the claim and any resulting judgement/settlement.
2. The MOU does not include certain standard County insurance requirements, including the additional insured endorsement and the waiver of subrogation.
  - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.  
Potential Impact: By waiving the requirement for an additional insured endorsement, the County forfeits its right to file a claim for damages directly against HACSB's insurance carrier, the right to legal defense provided by that carrier, and coverage for

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any damage caused. In the event of a claim, not requiring a waiver of subrogation may allow HACSB's insurer to bring a suit against the County, making the County financially responsible for all of the costs of the associated claim.

CFS recommends approval of this MOU, including non-standard terms, for the FYI/FUP, which allows HACSB to apply for FYI housing vouchers to improve the housing stability of eligible youth and young adults. The FYI vouchers will allow CFS to increase the number of young adults receiving financial assistance for housing.

The FUP and FYI are monitored monthly at a joint meeting of CFS, OHS, and HACSB staff. The MOU may be terminated without cause by any party upon 30 days written notice. Each party will indemnify and hold the other party harmless from and against any and all liability, losses, expenses (including reasonable attorneys' fees), claims for injury, and damages arising out of the performance of this MOU to the extent that the damages or losses are caused by actions of the indemnifying party.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on August 20, 2024; Office of Homeless Services (Tamra DeMartini, Administrative Supervisor, 382-3982) on September 13, 2024; County Counsel (Suzanne Bryant, Deputy County Counsel, 387-5455) on July 26, 2024; County Counsel (Daniella Hernandez, Deputy County Counsel, 387-5455) on August 8, 2024; Risk Management (Gregory Ustaszewski, Staff Analyst, 386-9008) on August 14, 2024; Finance (Christopher Lange, Deputy Director, 386-8393, and John Hallen, Administrative Analyst, 388-0208) on September 4, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on September 6, 2024.

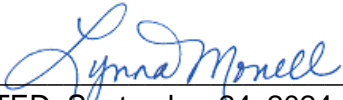
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 24, 2024



cc:    Children and Family Services - Bussard w/agree  
     Contractor - c/o Children and Family Services w/agree  
     File - w/agree  
MBA   09/30/2024