

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

October 22, 2024

FROM

CARRIE HARMON, Director, Community Development and Housing

SUBJECT

Grant Agreement with the California Department of Housing and Community Development to fund Homeless Services

RECOMMENDATION(S)

1. Approve **Agreement No. 24-1008** (State Standard Agreement No. 23-ESG-18014), including non-standard terms, for the 2023-24 State Emergency Solutions Grant Program under the Continuum of Care Administrative Entity Allocation, with the California Department of Housing and Community Development, for the support of homeless activities, in the amount of \$259,772, effective upon execution by the California Department of Housing and Community Development through October 15, 2025.
2. Authorize the Chief Executive Officer, Assistant Executive Officer, or Director of the Community Development and Housing Department to execute and submit the agreement, and any subsequent non-substantive amendments to the grant award agreement, subject to review by County Counsel.
3. Direct the Director of the Community Development and Housing Department to transmit the executed agreement, and any subsequent non-substantive amendments to the agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Carrie Harmon, Director, 382-3983)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.

Operate in a Fiscally-Responsible and Business-Like Manner.

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 result in the use of Discretionary General Funding (Net County Cost). The 2023-24 State Emergency Solutions Grant (ESG) Program under the Continuum of Care (CoC) Administrative Entity Allocation (Grant) award is \$259,772. The Grant has a 100% match requirement which will be met by the service provider awardees through in-kind services and the use of other eligible non-federal funds. The Grant award includes \$6,955 for administration costs. Adequate appropriation and revenue have been included in the Community Development and Housing Department's (CDH) 2024-25 budget.

BACKGROUND INFORMATION

On October 3, 2023 (Item No. 15), the Board of Supervisors authorized the submission of a grant application for the Grant to the California Department of Housing and Community

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Development (HCD), in an amount not to exceed \$519,544, to provide assistance for people to regain stability and housing after experiencing homelessness.

On September 4, 2024, HCD provided CDH with State Standard Agreement No. 23-ESG-18014 (Agreement) in the amount of \$259,772 for the Grant, which includes \$6,955 for administration costs. The effective date is upon HCD execution of the Agreement through October 15, 2025, with an expenditure deadline of August 18, 2025. The funding from the Grant is being awarded to San Bernardino County (County) as the Administrative Entity for the allocation to the CoC.

The Agreement with HCD is the State's Standard Agreement for the acceptance of the Grant funding, which includes the following termination clause and indemnification terms that differ from the standard County contract terms:

1. HCD may terminate the Agreement under the 30-day cancellation clause or amend the contract to reflect any reduction in Federal funds and may terminate the Agreement for cause with a minimum of 14 days' notice. The County may not terminate the Agreement for convenience.
 - The County's standard termination clause states that the County reserves the right to terminate the contract for convenience with 30 days' notice.
 - Potential Impact: The County will not be able to terminate the Agreement for convenience and will be required to obligate and spend the Grant funds. Agreeing to the State Standard Agreement is a requirement for Grant funding.
2. The County is required to indemnify HCD.
 - The County's standard indemnification clause states that the contractor agrees to indemnify the County in accordance with County Policy 11-07. The County standard contract does not include any indemnification or defense by the County of a contractor.
 - Potential Impact: By agreeing to the indemnification language in the Agreement, the County will be responsible for defending and indemnifying HCD. CDH will be sub-contracting these funds to service providers and will ensure that the County's standard indemnity clause is included in those contracts to reduce any liability the County could face with this non-standard language. The State is not indemnifying the County.

CDH recommends approval of the Agreement with HCD, including non-standard terms, as it will allow CDH to continue to support providers working with those that are homeless or at risk of homelessness. The Grant funds will be allocated as follows:

Eligible Activity	2023-24 Grant Award
Administration	\$6,955
HMIS	\$25,282
Rapid Rehousing	\$101,127
Street Outreach	\$126,408
Total	\$259,772

PROCUREMENT
Not applicable.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Suzanne Bryant, Deputy County Counsel, 387- 5455) on September 30, 2024; Finance (Christopher Lange, Deputy Director, 386-8393) on October 1, 2024; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on October 1, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 22, 2024



cc: CDH - Harmon w/agree for sign
Contractor - c/o CDH w/agree
File - w/agree
CCM 10/23/2024