

Proposed Revisions to the Continuum of Care Governance Charter

Public Comment Submissions

General Comments

- Will all due respect, the draft CoC charter is unnecessarily long. It needs to be edited. 26 pages is too cumbersome. 12 pages should suffice. Keep in mind we only have 8 funded agencies
- Contrary to what has been written, our CoC committees operates as a shared governance model which certain powers are granted to the GM + HPC. This model encourages broad participation, accountability, and separation of power. I am very concerned about concentrating power in the HPC. This can lead to unseemly jockeying for power and its accompanying conflicts of interests. There needs to be a better organizational structure. For example, the entire CoC was taken back when it learned about a certain HPC meeting. The PEC presented its scoring and ranking for CoC funding and the HPC unilaterally decided to reallocate CoC funds to an organization that scored very poorly. Unfortunately, this is what can happen when you consolidate power and hidden agendas arise. Corrective action is [illegible].
- Would you mind asking them to add a section about recording all CoC meetings and sharing them on Metro's YouTube page, especially the HPC and General Membership meetings? I think this would help satisfy the information sharing goals of the Strategic Community Plan.
- I would like to see something about equality among the CoC and folks with disabilities. I feel that it is missing and a greater way we can help the people we serve who also have disabilities. It doesn't have to be a statement we read every time but a policy and language around reasonable accommodations for people with disabilities is a step in the right direction.
- Metro Legal cannot represent both the CoC , HPC, and OHS. Metro Legal represents both the CoC, HPC, and OHS. Metro Legal represents the Mayor's Office which means they represent the interests of OHS.
- I believe the low-barrier housing collective should be a part of the CoC and receive oversight from the CoC.
- Pursuant to state law, all our meetings in the CoC must be in person. Likewise, for CoC members to participate fully need to personally attend.
- Our CoC should adopt a new model. There needs to be 3 separate boards that should serve a specific function:
 1. HPC, as its name states, would be a planning board, which is consistent with 24 CFR 578 7 (c) (1-4). Overseeing CoC plus PIT Count, gaps analysis, etc.

2. GM designate CoC Lead, HMIS lead, approve charter and elects members to HPC. Also discuss areas of concerns.
 3. (New) System Performance Panel, and a fully independent board to score, rank, evaluate, and approve final submissions of the CoC application and forward this to the Collaborative Applicant to submit to US HUD.
- An appellate rights group would need to be developed.

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Preamble

- Spell out Homeless Emergency Assistance Rapid Transition to Housing (HEARTH)
- In the part of the second paragraph talking about the “new, single entity” - I think this needs to be very clear that this new entity would be a community board/commission representing the CoC - rather than a traditional Metro board/commission. This was a new approach and HUD was interested in seeing how it would work to anchor a CoC Governance Board within a local government entity while maintaining the community-driven (rather than government-driven) approach. The goal was to strengthen and anchor government as an ongoing partner while reducing the bifurcated system we had in place since 2005 (which was the date the Metropolitan Homelessness Commission was created). I’m happy to provide any further historical information as needed. Other sources that were critical leaders in this effort were Liz Allen Fey (who was the chair of MHC at that time), Sean Muldoon (who chaired the CoC Governance Board), and former Metro attorney Alex Dickerson.
- The Preamble at the beginning of the Charter does not represent our current CoC Structure, which is a Shared Governance Model. Some people do not understand this concept. Please note, the CoC model dates back to the 1990s.
- Add that “The HPC Serves as the governing board of the CoC. CoC Boards designed to provide oversight and governance on behalf of the CoC. The CoC Board’s responsibilities are granted by the general membership of the CoC in the governance Charter.
- Add Homelessness anywhere it just says “Planning Council”.
- I recommend adding a quick description of the purpose of the CoC board as prescribed by HUD. And be very clear that the HPC is given its powers by the CoC membership through the Charter. Here a HUD source document that provides a FAQ about the role of the CoC Board: https://www.hud.gov/program_offices/comm_planning/coc/faqs The CoC board is the collective of individuals designated to provide oversight and governance on behalf of the CoC. The CoC Board’s responsibilities are defined by the CoC and must be described in the CoC’s governance charter. The CoC Board must be representative of the relevant organizations and of projects serving homeless populations and subpopulations within the CoC's geographic area. The CoC Board must also include at least one homeless or formerly homeless individual.

Values & Equity Statement

- I recommend starting to use HPC consistently throughout the document. Since you have already defined it above.
- The Values and Equity Statement. This is policy, which is not a concrete item. For example, we do not list Housing First in the Charter.

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Glossary of Terms

- Under the CA, the GM votes to designate the OHS, but I do not recall any 5 year term mentioned. In fact, Oversight Committees are responsible to review from time to time.
- For the definition of Coordinated Entry - This works, but I think this definition is too limiting (does not leave room to adjust and include a prevention tool if we ever get there or integrate the McKinney-Vento definition, if we ever get there). Using more general language will also align this better with the definition of HMIS, in which you include individuals and families experiencing or at-risk of homelessness. Furthermore, HUD has requirements around the CoC Funding. But HUD also expects the CoC (as a body) to create a system that utilizes other funding sources beyond merely HUD and federal funding. There is a nuanced approach here that most people are not quite understanding yet. In other words, I recommend a higher-level definition, which gives the written standards/CE Policies & Procedures document more flexibility to determine what that means at any given time in Nashville. Here are some examples of higher level definitions: Coordinated Entry (CE) - A process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed, referred and connected to housing and assistance based on their strengths and needs. (from: <https://www.thn.org/wp-content/uploads/2021/03/1.-Coordinated-Entry-Definitions.pdf>) If you'd like to include the prioritization language, here is another example that does that: Coordinated Entry is a streamlined system that provides quick access to individuals and families seeking assistance through a coordinated referral and housing placement process. Households are assessed using a standard and objective tool that identifies their vulnerability and barriers to housing. Those who are assessed as having the highest vulnerability and housing barriers will be prioritized for access to available housing programs as vacancies occur. https://www.dca.ga.gov/sites/default/files/coordinated_entry_101.pdf
- HMIS section - This has been in 2018, so I would take the term “recently” out. If you want to capture history, you could say, something like: “In 2019, the CoC adopted HMIS policies that allowed for data-sharing across provider agencies, making HMIS functional for Nashville-Davidson County.” or something like that. Prior to that, we were HUD compliant, but not functional as we were unable to produce unduplicated data in HMIS until that step was taken. The document was adopted in Aug. or Sept. of 2019 after

months of work with local providers. Again, I can look this up and provide more history to anyone if needed.

- Not necessary, but this could be a place to capture some HMIS history. If you want to do that, you could maybe include that the CoC designated Metro Social Services as the HMIS Lead in 2018/2019 (transfer was during that FY) - Suzie may have the minutes when the actual CoC vote was taken.

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Section I. Mission and Purpose

A. Mission

B. Purpose

- This document will be modified annually to align with national best practices, address strategic plans or processes, and increase the effectiveness and efficiency of services offered in our community. We are currently working with HUD Technical Assistance, and items in this charter are subject to change during that process and can be modified.

Section II. General Membership

A. Membership Application and Expectations

- Membership needs to be open to all who want to join, without preconditions. We are not a club that is private.
- I saw that you took out “annual renewal.” But there is still language here that indicated there is a renewal needed. I would recommend to somewhere state that inactive members will be removed after X amount of months/years and can renew any time after that. Or, if there is a required renewal, when that is (every 3 years, 5 years?).
- I think you need to change this language depending on the governance role the CoC wishes to establish. There need to be clear HMIS Governance policies/structures in place. HUD puts the oversight of HMIS into the hands of the general CoC membership. However, communities have operationalized that differently. It could be the role of an HMIS/Data Committee, etc. I do not believe this sentence reflects necessarily what we have in place in Nashville, as we do have an HMIS Committee structure. It may be as simple as changing the wording to say ,(as established by the HMIS Committee and implemented by the HMIS Lead Agency). We just need to ensure we do not have conflicting messaging in the Charter about HMIS oversight roles v. implementation roles. Also, I think the HMIS Lead Agency will always have a strong say in drafting recommendations and changes to how HMIS should be managed. But I also believes, it should not be the sole entity to make such decisions for the entire community.

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B. Member Orientation

- In the second bullet, change the number of elected members from 8 to 14 and add the word “Governance” before “Charter”
- Change “List of CoC committees and link to interest form” to “A list of the CoC committees and a link to a committee interest form”
- Add the word “A” to the beginning of the 7th bullet

C. Benefits of Membership

- Add “and if eligible” to the end of the second bullet point
- Fix the lettering for this section – there are three part Cs

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C. Composition

D. Roles and Responsibilities

- This is another place where you could make it clear that the CoC GM has the full authority over the CoC and the HPC’s power is given by the CoC GM through Governance Charter. Outlining this clearly will make it easier to defend any HPC decisions.
- Quote “ the CoC GM has the authority to adopt, maintain, and update this Charter and any additional bylaws, policies, and procedures that will govern the operations of the CoC.” This paragraph is in direct conflict with Section III (A) paragraph one, which states otherwise.

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E. Meetings

- The CoC GM should meet at least quarterly, preferably more often.
- This section of the GM should state that the GM should elect its own Chairman and Vice Chairman and set its own agenda, just like the HPC. The term facilitator is inappropriate in this context.

C. Representation and Voting

- Change to Part F
- Due to the misclassification here I will comment on the representation and voting. The HPC and GM are two separate bodies and you cannot have voting privileges of both in our current structure dual membership is not appropriate.
- Once again, the HPC + GM are 2 separate bodies, and you cannot have dual membership.

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Section III. Nashville Davidson County CoC Homelessness Planning Council

A. Roles and Responsibilities

- The [illegible] is totally inconsistent with Section II (D) on Roles and Responsibilities of the GM.
- I believe the members of the Homelessness Planning Council should only have voting rights if they, too, have attended at least 50% of meetings in the 12 months prior to a vote or 50% of meetings between the time they were appointed to the HPC and the vote, if they have not been on the HPC for 12 or more months. While HPC participation in the CoC is desired, we don't want it to only be for votes--especially in the rare instances HPC and the CoC GM may not agree.

B. Composition of Planning Council

- 25 members is too big. Goal should be in the range of 9 to 15.
- Several Technical Assistance groups advised that Nashville should downsize our HPC. Cloudburst was a part of the initial merging of both leadership boards, and they are currently providing strategic input to our city. Exec. Comm. should work with Cloudburst to convene meetings to draft changes, processes, and size recommendations. Metro Legal and Metro Council Members on the HPC should also be consulted.

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- I would add that at least one of the five members with lived experience should begin their position on the HPC during an episode of homelessness. I believe the voices of those currently experiencing homelessness, as opposed to those historically experiencing homelessness, are underrepresented. However, I recognize the challenges that people currently experiencing homelessness may face that would make it difficult to participate. However, this would show an effort to involve those currently facing homelessness in their own outcomes.

C. Terms

- Council Members serve for 4 years not 3. Chairs [illegible] all to 2 year terms. To better align with the grant cycle and council terms.

D. Selection of Planning Council Members

- It may not be necessary, but for clarification, you could add here in parenthesis something that makes it clear that the HPC is that board in Nashville.
- The Nominating + Membership Committee should focus on recruitment. Let the voting members decide on who is selected.

1. CoC Representatives

- Do we define anywhere when the fiscal year starts? I think that needs to be done as HUD has a different FY than Metro. And since the CoC is a HUD-construct, we should be clear that Nashville-Davidson County CoC's FY starts

July 1. Also, is this the same as the CoC Operating Year, which I assume it is. Then that's clearly defined in this document: from July 1-June30

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2. Mayoral Appointments

- For consistency purposes, add the full name of Nominating and Membership Committee.

3. Metro Council Representatives

E. Meetings, Quorum, and Voting

1. Attendance

- Attendance requirements cannot apply to mayor's and vice mayor's appointments. Only the appointing authority can remove.

2. Quorum

- Follow Roberts Rules of order. A quorum is 50% plus one.

3. Special Meetings

4. Public Comments

- Time should be set aside for the public to address their concerns.
- I would add to the public comment section the italicized: "Persons wishing to make comments must sign up at the meeting in advance; personal attendance is essential to be on the list. *Persons with disabilities may provide public comment without personal attendance.* Individuals are expected to conduct themselves in a courteous and respectful manner *and afforded the opportunity to speak without interruption during their allotted time.*"

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F. Resignation

G. Removal

- I would use the term HPC or "board" to avoid having to define what organization means in this context.
- I would suggest that removal from the HPC membership had additional due process considerations, including a right for the person being considered for removal to be heard by the HPC members that are considering his or her removal.
- Removal is an authoritarian action, which cannot be done in an arbitrary and capricious manner. All CoC members are entitled to due process. A petition for removal must be filed with the Chairman of the respective body stating the alleged facts and circumstances that need to be addressed. The respondent shall be given a copy of the petition in a timely manner and given 30 days to submit a written response. A reply from the petitioner can be submitted within 30 days of the response. A 2/3rd vote is required for removal. The respondent reserves the right to appeal to US HUD given that this is a federal program.

H. Officers of the Homelessness Planning Council

- I would suggest the creation of a mechanism to remove an HPC member from an officer position (but not the entire HPC) and a mechanism for the Vice Chair to resign their officership by letter to the entire HPC. The removal process should include due process and the opportunity for the person to be heard by those considering his or her removal.

I. Planning Council Advisors

- Planning Council Advisors should only participate in discussions at HPC and COC/committee meetings at the invitation of the chair and with consensus from the body, or by participating in a public comment period.

Section IV. Committees

A. Committee Membership

I would suggest that removal from Committee membership be made with the recommendation of the Committee Chair AND a majority of the committee members. I would create some due process opportunities for committee members to have the opportunity to be heard by the Committee if they are considered for removal, and for a hearing with the HPC chair and/or Executive Committee before a final decision is rendered.

B. Committee Chairs

- All committees, should elect their own chair.

C. Standing Committees

- I would recommend making the Point In Time Count Committee a standing committee focused on that specific task each year. As it happens now, it's a subcommittee of the shelter committee and does not have many crossover members.
- Several Technical Assistance groups advised that Nashville downsize or combine our subcommittees. We actually received and circulated recommendations; this charter revision partially reflects those recommendations and actually increases our committee count. These two recommendations are vital because we currently have 4-5 committee chairs seeking to be relieved, with limited volunteers for the positions. In a community with limited capacity for supportive services, requiring people to split time and efforts across multiple committees is not the highest and best use of time. Most committees are comprised of a handful of people; groups struggle to reach a quorum, don't meet consistently, or continue to lack understanding of their role or action related to the community's strategic plan.

Downsizing would offer relief to the system, strategically align, and organize the scope of work.

- Committee chairs convened in March to review the proposed list of committees and brainstorm recommendations for the committees structure. Committee chairs reached a general consensus on the following suggestions:
 - Generally, keeping the list of committees in the draft of the Revised Charter, which include the following changes:
 - Adding the Consumer Advisory Board and Veterans Workgroup
 - Merging the Data and HMIS Oversight Committees
 - Merging the Nominating and Membership Committees
 - Bringing back the Standards of Care Committee
 - Having some form of a Coordinated Entry Committee – either merged with Standards of Care or a new housing-focused committee
 - Explore renaming Shelter Committee – Ryan will ask members to brainstorm a new name at their next meeting
 - Creating a new committee or ad hoc task force to tackle the Strategic Plan objectives that did not clearly fit into the scope of any current standing committee
 - Create a housing-focused committee (proposed names from the committee chairs meeting and Executive Committee have included Permanent Housing, Affordable Housing, Housing First, Housing Solutions, and Housing Opportunities)

1. Nominating and Membership Committee

- Committee should only recruit, not recommend

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2. Governance Charter Committee

- Governance needs to be more balanced

3. Executive Committee

- EC has too much concentrated power in very few [illegible]. Pre-announced decisions make the rest of the CoC irrelevant.
- You may already have done so, but I wanted to ensure you discussed the possibility of adding the words “at minimum” prior to three. This would provide the option to add a few more if the HPC wishes to do so. The reason this is important is because the HPC may choose to give the Executive Committee more powers. In that case, you would want more than 5 representatives to determine the fate and direction of the entire HPC. There is a huge power in how the HPC and Exec. Committees are lead and staffed. Having the options to increase the number of members on the executive committee could make a significant difference in transparency and

accountability. The reason I bring this up is because I have listened to executive committee meeting recordings where it was clear that as many Metro staff representatives were sitting around the executive committee table as there were members present. There was no distinction of who influenced the discussion. There need to be clear checks and balance. I also recommend a requirement to record (tape recorders with digital recorders - NOT necessarily video recordings) these meetings as this is a decision-making body of the CoC. In addition, approved minutes need to be posted online.

4. Data and HMIS Oversight Committee

- The HMIS Oversight Committee should have more duties related to the HMIS Lead oversight. The different HMIS roles between the entities have to be clearly defined. After reading the entire document, you've got most of this covered in language under the HMIS Lead Agency duties. I think a little bit more of that language, which outlines oversight duties, should be included here. Here is an educational tool to get started thinking through this more. <https://www.hudexchange.info/trainings/courses/hmis-governance-101/>
- In the Section under Data and HMIS Oversight Committee it says "recommends policy guidance for the CoC HPC on issues related to the implementation and use of HMIS". Then under the HMIS Lead responsibilities it says "develop plan, policies, and procedures for review and approval by the CoC". These feel conflicting to me on who is ultimately responsible- is it the CoC or the HPC?

5. Coordinated Entry Oversight Committee

- I would recommend the new Coordinated Entry Oversight Committee instead be the Coordinated Entry and Property Engagement Oversight Committee, and have similar authority to support and work with the Landlord Engagement Team/Low Barrier Housing Collective and its initiatives to recruit more landlords to make units available to vulnerable neighbors experiencing homelessness, review its progress, and recommend strategies. This is very closely tied to the CE process and will fill a gap in having a committee looking developing and supporting housing opportunities in which entry can be coordinated.
- Coordinated Entry Oversight would complement the work of the Standards of Care Committee and could be combined due to the scope of work. If a CE Oversight Committee is formed, it should be comprised of persons/organizations not receiving Coc funding or referrals to eliminate the appearance of a conflict of interest.

6. Performance Evaluation Committee

- PEC needs to be renamed and be fully independent.

7. Standards of Care Committee

- I believe that the standards of care committee should be a standalone committee. In my experience on this committee there is plenty of information to review and work on with this topic.

8. Equity & Diversity Committee

9. Consumer Advisory Board

- The following is not necessary, but just for your consideration... do you want to open this to anyone with lived experience or focus on people with lived experience in the past X years?

10. Crisis Response Committee

- I recommend adding language that includes reviewing best practice approaches, policies & processes that are implemented communitywide in regard to outdoor homelessness & making recommendations to the HPC in collaboration with other relevant CoC committees, ... or something like that.
- Consider replacing shelter with “emergency shelter, interim/temporary housing,...” to be consistent with recent language that’s been used.
- Renaming the Shelter Committee to crisis response makes no sense . They are not first responders.
- Need a housing committee, because housing ends homelessness.

11. Veterans Workgroup

D. Ad Hoc Task Forces

- I recommend that the entity (HPC or GM) that creates an ad hoc committee defines a timeline by which a task should be completed. That timeline may be extended if necessary. The reason is that in practice, if you don’t do that, task forces end up functioning as standing committees from the beginning.

E. Committee Activities

- I would recommend that it be required that all committees have called meetings at least quarterly.

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F. Committee Authority

G. Committee Chairs Coordinating Meeting

- So, you basically are creating a loop hole to give control of establishing committees to the HPC chair and the committee chairs? I do not recommend this. I think if the Charter Committee does its job, then an annual review process is where committees should be merged - not during the year. Committee chairs already have the power to NOT call meetings and pretty much make committees irrelevant that way. Hence, this is not needed. It becomes too political and we need to work to get away from that. Since I am unable to be at the May CoC meeting, I will make an official request to the

Charter Committee here that this topic is brought up to the CoC GA to consider and my concerns are represented. Thanks so much.

H. Public Attendance and Conduct at Committee Meetings

Section V. Collaborative Applicant (CA) Lead

- Capitalize the T in “Point-in-Time count”
- Add the word “the” to the 9th bullet point
- Add “at the local, state and federal levels” to the 16th bullet point

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Section VI. Homeless Management Information System (HMIS) Lead

- In the beginning of the last paragraph, is a word missing here or should it just say... “regarding the HMIS Lead...”?

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Section VII. Coordinated Entry (CE) Lead

- For the bullet point on “Maintain CE policies and procedures for review and approval” - I’d like to see this strengthened, as Metro a couple of years ago suddenly changed CE procedures and policies and included language that did not reflect full and timely input from the CoC. I would like to see a required public input process anchored in the Charter here, a requirement for CE Committee recommendations to the HPC, and a vote that is recorded in the minutes before a policy change goes into effect. The language in the 2022 policies was: “HUD recommends flexibility in CE and suggests a timeframe of 10 days to adjust CE prioritization to meet the needs of a community. To honor CE’s existing commitment to transparency, flexibility and dynamic prioritization, the following updates will be made to the existing CE prioritization. The updates are considered temporary and will help inform updates to CE prioritization in the future”
- For the last sentence on page 17 - This satisfies some of my comments above.

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Section VII. Coordinated Entry (CE) Lead Continued

- In the last paragraph of this section, change HMIS Lead’s to CE Lead

Section VIII. Designation and Evaluation of CA, HMIS, and CE Leads

A. Designation

- In reference to “the CoC reserves the right to open an RFP process” - we need to clarify who that is. Does that mean the HPC or the CoC GA or any of the respective oversight committees? Who can initiate such a process? It sounds to

me by reading this section that the intention of the Charter Committee may be to give this responsibility to the CoC GA. If so, let's spell this out here.

B. Evaluation

- Make sure these oversight and evaluation duties are spelled out/mentioned in the actual Committee duties segment further above.
- I commend the Governance Committee for a community oversight committee. Given the importance of oversight. Updates should be provided to the entire CoC.

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Section IX. General Provisions

A. Operating Year

B. Meeting Procedures

- I would add the italicized to this section: "All CoC related entities will strive to ensure that participants are able to offer their opinions and perspectives on agenda items that are up for discussion. All CoC related meetings, therefore, will be conducted in a manner that ensures fairness and reasonable participation by members of the HPC, the CoC, and their respective committees. *Efforts will be made to ensure persons with disabilities (physical, mental, and behavioral) can easily attend and fully participate in all CoC and HPC meetings and activities in accordance with local, state, and federal law.* When questions about parliamentary procedure arise, and unless specified in the Charter or Bylaws, each CoC related entity may refer to Robert Rules of Order and other sources of guidance for resolving issues concerning decision-making.

C. Staff Support

D. Code of Conduct

- What are the corrective or disciplinary actions referenced in the last sentence.
- I would remove language related to the "corrective or disciplinary action" to simply say "removal from the HPC, CoC GM, or committee pursuant to the policies herein." There are no other corrective or disciplinary actions defined within the document. I would also avoid appearing to create a right for physical removal of a person from a committee meeting and instead give the chair the authority to immediately recess or adjourn the meeting until such time as the disruptive person is removed.

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E. Conflict of Interest

- In reference to the language around agencies that "receive CoC funds" - Since ESG funding is very closely related and the CoC written standards include ESG funding, do we want ESG funding mentioned here as well?

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F. Compensation

1. HPC Members

2. People with Lived Experience

G. Dissolution of the Nashville-Davidson County Continuum of Care

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Section X. Adoption and Amendment of Governance Charter

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Nashville Continuum of Care Anti-Racism Pledge