

**New Mexico Balance of State Continuum of Care  
Governance Charter  
Approved 9/17/2021**

**Purpose of Charter**

This Governance Charter is to be approved at a regular meeting of the New Mexico Coalition to End Homelessness ('the Coalition') where all members residing in the Balance of State (BoS) region have been invited and encouraged to be present. Approval of the Charter requires a vote in which a majority of BoS members present at the meeting express their support. The Charter establishes a Continuum of Care (CoC) Board and a CoC Membership which will oversee the CoC process for the New Mexico BoS region. The document will be reviewed at least annually by CoC Membership for amendment as necessary, and the document will be distributed electronically no later than 14 days prior to the Coalition's annual meeting in September for review and solicitation of feedback from the Coalition's Membership.

**New Mexico Coalition to End Homelessness**

The Coalition is a non-profit agency that has been designated the collaborative applicant for CoC funds for the New Mexico BoS region, which covers the state of NM with the exception of Albuquerque.

**Balance of State CoC Membership**

The Balance of State CoC will hold a meeting for all CoC members and other interested stakeholders once a month. NMCEH will send out a meeting announcement and agenda via email to the CoC members and other interested stakeholders several days before the meeting. The Balance of State CoC annual meeting will take place in June each year, when CoC members will elect CoC Board members and update the Governance Charter. The Balance of State CoC will convene special meetings if action is needed on specific items between meetings. These will be announced via email at least one week prior to the meeting.

NMCEH will invite all potential stakeholders to join the CoC membership at least annually and will reach out individually to interested stakeholders as appropriate throughout the year. CoC membership should include representatives from homeless services agencies, Civic and County Housing Authorities, the Veterans Administration, funders, and Public Schools and universities.

While meetings are open to the public, attendees are expected to sign a Memorandum of Collaboration if they plan to attend regularly. Meetings may be held electronically, but the meetings will remain open to the public and the meeting information will be shared via the NMCEH Balance of State Listserv.

In order to be a member of the Balance of State Strategic Collaborative, an entity or person must:

- Sign a Memorandum of Collaboration agreeing to be an active member of the Balance of State Strategic Collaborative to End Homelessness, which is the local name for the Balance of State CoC membership.
- Attend at least 6 out of 12 meetings within a calendar year.

Members are expected to conduct themselves in a professional and respectful manner. The BoS CoC Membership Executive Committee will have the authority to remove members of the BoS CoC Membership for not adhering to the expectations outlined in Memorandum of Collaboration. A member who has been removed by the BoS CoC Executive Committee will have the right to appeal this decision through a written request submitted to the BoS membership within one month of being notified of their removal. If an appeal is submitted, a vote will be held by the membership to either uphold or overturn the member's removal.

#### Balance of State Membership Activities

- Updating and approving the Balance of State CoC Governance Charter
- Developing and overseeing implementation of the Balance of State Community Response to Homelessness
- Providing input into evaluation criteria for CoC and ESG projects
- Providing input into development of a centralized entry system (led by the CES Governing Committee)
- Providing information and analysis needed to complete the annual CoC application
- Developing a written process for electing a CoC Board
- Nominating and approving members for the Independent Review Committee
- Nominating and approving members of the Balance of State Strategic Collaborative Executive Committee
- Providing input into written standards for Continuum of Care assistance (per CoC regulations)

#### Voting on BoS CoC Membership Matters

In order to be eligible to vote on Balance of State membership matters, an entity, or person, must be an active member of the membership and have attended 3 of the last 6 meetings held immediately prior to the vote. A quorum for a vote shall be 50% of the eligible voters, plus 1.

New members of the BoS membership will become eligible to vote as of their second meeting as an official member (after signing the MoC).

For members who are currently employed by an organization or entity, only one employee of that organization or entity may vote on each matter. Members may not vote to elect themselves to any board or committee. Voting on BoS membership matters may take place during a meeting, if a quorum is present, or electronically using a google form.

#### BoS Executive Committee

The CoC membership will elect an Executive Committee to oversee the activities and meetings of

the Balance of State CoC Membership. Members of the Executive Committee will be elected to serve for two-year terms, and may serve two terms consecutively.

Members of the Executive Committee must maintain active membership, by adhering to the Memorandum of Collaboration and attending a minimum of 6 out of 12 meetings within a calendar year. The CoC membership may elect to remove members of the Executive Committee, for cause, through a formal vote at a regularly scheduled meeting. Elections for open positions of the Executive Committee will be held as needed when positions become vacant.

*The Chair* is responsible for setting Balance of State meeting agendas and facilitating the monthly meetings, and for ensuring that all relevant matters are discussed with full participation of the CoC membership. The Chair will coordinate the voting process for making formal decisions, which includes ensuring that there is a quorum present prior to holding a vote.

*The Vice-Chair* will support the Chair's efforts to set meeting agendas, and to facilitate monthly meetings. The Vice-Chair will step in to lead and facilitate the meetings when the Chair is unavailable.

*The Secretary* will ensure that the meeting minutes are compiled accurately, and assist in drafting any documents that may be needed by the CoC membership.

*NMCEH CoC Staff* will provide technical assistance and support to the Executive Committee, which includes scheduling meetings, keeping record of meeting minutes, providing feedback and pertinent information to the CoC membership from relevant committees and stakeholders, and supporting the Executive Committee in coordinating and facilitating meetings. NMCEH CoC Staff will be responsible for stepping in to ensure that all activities of the Executive Committee are completed, if members of the Executive Committee are unable to fulfill their responsibilities.

#### Responsibilities of the Balance of State Executive Committee

- Setting work plans and meeting agendas in consultation with the full membership of the CoC;
- Monitoring Balance of State's progress in developing and implementing the Balance of State Community Response to Homelessness;
- Representing the Balance of State Strategic Collaborative in the community;
- Monitoring whether CoC members are meeting CoC membership requirements.

#### Subcommittees

Special committees may be appointed by the BoS CoC Membership to research and implement components of the CoC's Community Response to Homelessness. Subcommittees must:

- Be authorized by the membership to serve as an official subcommittee.
- Provide a defined purpose, and timeline if appropriate, for implementing goals of the Community Response to Homelessness.
- Establish a committee chair, who will be responsible for ensuring that meetings are facilitated, minutes are taken, and updates on committee activities are provided to the membership.

- Provide a clear set of rules, roles, and responsibilities for committee members.
- Invite a diverse group of stakeholders, with varied experiences and authority, to participate in meetings.
- At least one member of any sub-committee must be an active and current BoS CoC member.

### **Balance of State Continuum of Care Board**

The New Mexico BoS CoC will be governed by a board called the New Mexico Balance of State Continuum of Care Board (BoS Board). This Board replaces the former Balance of State Continuum of Care Steering Committee. The Board will be elected by the members of Coalition who reside in the BoS region at the Coalition’s annual meeting in September.

The BoS Board is the decision making body for the New Mexico Balance of State CoC Process. The BoS Board oversees the CoC process in order to make sure the process is fair and balanced in meeting the needs of people who are homeless in New Mexico.

The process for selecting CoC Board members will be reviewed, updated, and approved by the CoC at least once every 5 years.

### **Board Purpose**

The CoC Board will coordinate the CoC process for the region known as the New Mexico Balance of State (BoS) region, which includes all of New Mexico except for the City of Balance of State.

The CoC Board works with the Coalition to work toward the goal of ending homelessness in New Mexico.

The work of the CoC Board will include:

- Providing for an open and inclusive process in the application for federal CoC funding.
- Encouraging applicants in underserved areas of the state to apply for new CoC funding.
- Encouraging CoC funded agencies to adopt housing first practices and other best practices.
- Appointing an Impartial Review Committee to evaluate renewals and new project applications and to make decisions about renewal and new project funding amounts for inclusion in the annual Continuum of Care application. This includes making determinations about reallocation, which refers to the process whereby the IRC reviews the performance and expenditures of all projects and determines that a project, or projects, must involuntarily reduce the amount of funds that they are permitted to apply for, or must involuntarily give up all funds. The reallocation process ensures that projects submitted through the CoC Collaborative Application best align with HUD CoC Program funding priorities and contribute to a competitive application that secures HUD CoC Program funding to address and end homelessness in the BoS CoC.
- Appointing a Special Review Committee (SRC) composed of representatives from agencies that use or fund Coordinated Entry System (CES) and/or Homeless

Management Information System (HMIS) projects. The SRC provides feedback to the Impartial Review Committee.

- Establishing and operating a grievance procedure for agencies that wish to contest the decisions of the Impartial Review Committee. Any renewal applicant who wishes to file an appeal based on their project's final ranking within the CoC Renewal Project Priority Listing, or because their project was not selected to be part of the application, or because they do not agree with the amount of funding designated for their project, must use the appeals process outlined in the BoS Review, Appeals, and Grievance Process for Selection of New and Renewal Projects.
- Appoint other subcommittees as necessary.
- Create Working Groups tasked with developing possible solutions to challenges or important questions facing the CoC.
- Consult with recipients and subrecipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and through the Impartial Review Committee, take action against poor performers;
- Evaluate outcomes of projects funded under the Emergency Solutions Grants (ESG) program and the CoC program, and report to HUD;
- In consultation with CoC recipients and subrecipients within the geographic area, and in consultation with recipients of ESG program funds within the geographic area, oversee the operation of a coordinated entry system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services.
- In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing CoC assistance.

### **Code of Conduct**

All members of the CoC Board, employees of NMCEH and members of the CoC must abide by the NMCEH CoC Code of Conduct, incorporated here by reference.

### **Membership on the Balance of State Continuum of Care Board**

The BoS Board will have up to 23 members. Members of the BoS Board will serve two year terms and may be re-elected at the end of their term. There are no term limits. The BoS Board will seek representation from the following groups each year:

- The State of New Mexico including the Human Services Department and the Children Youth and Families Department
- The New Mexico Mortgage Finance Authority as the state housing finance authority
- The major cities in the BoS Region including but not limited to Santa Fe, Las Cruces and Farmington
- Agencies serving homeless people with disabilities
- Agencies serving people who are chronically homeless
- Agencies serving homeless families with children
- Agencies serving people with substance use disorders
- Agencies serving people with mental illness

- Agencies serving homeless youth
- Agencies serving victims of domestic violence or sexual assault
- Agencies serving veterans
- Agencies serving people with HIV or AIDS
- Individuals who are homeless and those who are formerly homeless (at least one member from this group is required)

In addition, the CoC will seek to include representatives of the following community groups as deemed appropriate:

- Faith based organizations
- Businesses
- Public Housing Authorities
- School districts
- Mental health agencies
- Health care providers
- Universities
- Affordable housing developers
- Private Foundations
- Law enforcement

One person could represent more than one group in the above lists.

Every effort will be made to elect a Board that is diverse according to geographic area and gender identity, and reflective of the racial and ethnic diversity of the State of New Mexico.

If a Board member has two unexcused absences within a one-year period, the chair may declare his or her seat vacant and remove him or her from the board.

Balance of State Continuum of Care Board Members may appoint an alternate to represent them at meetings when they cannot be present. The alternate should represent the same agency or the same population of people with lived experience as the member. The alternate will have the ability to vote on items and will be counted toward the quorum requirement. Members may appoint an alternate at any time during their term by notifying the Board Chair with the name and position of the alternate. Once appointed the alternate will serve as the alternate for the remainder of the member's term unless the member elects to appoint a different alternate at a later date.

### **Board Leadership**

The BoS Board will elect a chair, a vice chair and a secretary at its first meeting after election of board members each year. The chair will preside over board meetings. The vice chair will preside over meetings when the chair is absent. The secretary will ensure that minutes are taken at each meeting and made available for public review. The officers will serve for one year terms and may be re-elected twice.

### **Board Meetings and Quorum**

The BoS CoC Board will meet quarterly at a minimum, and more frequently during the part of the year when the CoC is most active. A quorum of the Board shall be 50% of the Board membership plus 1. Meetings may be in person, by conference call, or by webinar. Notices of meetings will be sent by email at least one week in advance of meetings.

### **New Mexico Homeless Management Information System**

The New Mexico Homeless Management Information System (HMIS) is governed by a Governing Committee that consists of representatives from the Coalition, the City of Balance of State, the New Mexico Mortgage Finance Authority, both CoCs in New Mexico and a formerly homeless representative. The NM HMIS Governing committee sets policies for the NM HMIS and works with the Coalition's Executive Director and HMIS Project Director to develop annual strategic plans for the HMIS project. Financial decisions affecting the Coalition, Mortgage Finance Authority, or the City of Balance of State are subject to approval by the appropriate administrators or governing bodies of those organizations.

The Coalition is the HMIS lead agency for both the New Mexico BoS CoC and the Balance of State CoC, and Coalition staff operate the HMIS. The Coalition was chosen as the lead agency by the government bodies responsible for administering homeless funding in the two CoC regions, which are the New Mexico Mortgage Finance Authority (MFA) and the City of Balance of State (COA). The Coalition, MFA, and COA sign an MOU each year that sets forth the responsibilities of each party for ensuring that the HMIS is managed successfully.

The BoS Board will work with the HMIS Governing Committee to

1. Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS;
2. Ensure consistent participation of recipients and sub-recipients in the HMIS;
3. Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

The NM HMIS Governing Committee meets at least quarterly, with a call-in option for members. The NM HMIS Governing Committee is staffed by the HMIS Project Director, who is a staff person member of the Coalition.

### **NM Coordinated Entry System Governing Committee**

The CES project is managed by the CES Governing Committee with membership comprised of 5-9 members, to include CES user representatives from the Balance of State CoC, and at least one consumer or community member representative. Members of the CES Governing Committee are elected by the NMCEH membership for two year terms. Members may serve two consecutive terms.

The CES Governing Committee sets policies for the CES and works with the CES Project Director to develop annual strategic plans for the CES project. Financial decisions that affect NMCEH, MFA, or any other funding partners would be subject to approval by the appropriate administrators or governing bodies of these organizations.

The CES Governing Committee meets bimonthly and is staffed by the CES Project Director who

is a staff person of NMCEH and a non-voting member of the Governing Committee.

### **Continuum of Care Planning**

The CoC Board with the staff of the Coalition will develop and regularly update a plan that includes:

- 1) Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system will encompass the following:
  - a) Outreach, engagement, and assessment;
  - b) Shelter, housing, and supportive services;
  - c) Prevention strategies.
- 2) Planning for and conducting, at least biennially, a point-in-time count of homeless persons within the geographic area that meets the following requirements:
  - a) Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
  - b) Persons living in emergency shelters and Transitional Housing projects must be counted as sheltered homeless persons.
  - c) Other requirements established by HUD by Notice.
- 3) Conducting an annual gaps analysis of the homeless needs and services available within the geographic area;
- 4) Providing information required to complete the Consolidated Plan(s) within the CoC's geographic area;
- 5) Consulting with State and local government ESG program recipients within the CoC's geographic area on the plan for allocating ESG program funds and reporting on and evaluating the performance of ESG program recipients and sub-recipients;
- 6) Consulting with providers of the PATH program services to ensure that their services are integrated and coordinated with the CoC services.

### **Monitoring of ESG Recipients**

The Coalition will work with the New Mexico Mortgage Finance Authority to monitor the performance of ESG recipients in the BoS Region. The performance will be monitored through annual reviews of HMIS data submitted by ESG recipients and through regular onsite visits by the Coalition's staff or their designee to review performance and provide technical assistance for improving performance.

### **Preparing an Annual Application for CoC Funds**

The Coalition is the Collaborative Applicant for CoC funds in the BoS region of New Mexico. The Coalition was designated by the NM Mortgage Finance Authority and the BoS CoC group of applicants to be the Collaborative Applicant each year since 2000, when the Coalition was



founded.

The CoC Board will work with the Coalition to prepare the application and will establish priorities for funding projects in the balance of state region.

The CoC Board will work with Coalition's staff on the application, which includes all project applications within the BoS region.

### **Standards for Administering Assistance**

The most up to date Common Standards for Administering Balance of State and New Mexico Balance of State Continuum of Care (CoC) Transitional Housing, Rapid Rehousing and Permanent Supportive Housing Assistance are incorporated into this Charter by reference.

All Common Standards include the emergency transfer priority required under § 578.99(j)(8) of the CoC Interim Rule. The plan helps to guide the operation of the centralized or coordinated entry system on how its system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from nonvictim service providers. This system must comply with any requirements established by HUD by Notice.

### **Amendment to Charter**

This Charter may be amended by the membership of the Coalition at any open public meeting of the Coalition at which a quorum is present and for which the intention to change the charter was advertised in the notices for the meeting.

This New Mexico BoS Governance Charter has been approved by the membership of the Coalition and other CoC interested parties at a public meeting.

Date Balance of State Continuum of Care Charter was approved by the Membership of the New Mexico Coalition to End Homelessness: July 27, 2018.

Attached to this version of the Charter are the following, which are part of the Charter:

- Common Standards for Administering Permanent Supportive Housing Assistance •
- Common Standards for Administering Transitional Housing Assistance • Common
- Standards for Administering Rapid Rehousing Assistance
- CoC-Wide Anti-Discrimination Policy
- Code of Conduct