Texas Balance of State Continuum of Care

Continuum of Care Board Requirements Policy

Revision Date	Revisions
2/26/2020	Clause about meeting absences was revised
5/27/2020	Meetings may be held in person or remotely
1/19/2022	Guidelines for elections added
5/25/2022	Information about CoC Board Seat 16 and about how this policy may be revised were added
8/24/2022	1. Members filling unexpired terms may subsequently serve two full terms 2. Change board members' terms to be from April-March and allow board to extend terms
11/16/2022	A process for breaking ties in board elections was added
12/8/2022	Language was added to clarify that CoC Board officers are responsible for enforcing the CoC Board Members' Code of Conduct
8/23/2023	Language was added related to conflicts of interest, attendance, quorum, and action without a meeting.
1/29/2025	Language was added related to members removed from the board not being eligible to run for a seat on the board for the following five years
August 2026	Language was added to clarify the roles of the Collaborative Applicant, change the number of CoC Board seats, change the timing of the CoC Board elections, add information about the CoC Board Confidentiality Agreement, and clarify the Action Without a Meeting process.
10/28/2026	Language was added to clarify information about Seat 16, representing the Youth Action Board (YAB).

Overview

The Texas Balance of State Continuum of Care (TX BoS CoC) must establish a CoC Board, per the CoC Program Interim Rule, to act on behalf of the CoC. The CoC Board is the primary decision-making body for the TX BoS CoC. Board members determine the policy direction of the CoC and ensure that the CoC fulfills its responsibilities as assigned by HUD. Additionally, the Board oversees and approves the work of CoC committees and workgroups and the CoC Collaborative Applicant, Homeless Management Information System (HMIS) Lead Agency, and Coordinated Entry Lead (CE) Agency. The Board also approves the Consolidated Application for HUD Continuum of Care (CoC) Program funding.

The TX BoS CoC (TX-607) will follow written processes to select the CoC Board. The CoC will review, update, and approve the selection process at least once every five years.

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The Board will consist of up to eighteen seats. Each seat has a stakeholder designation. The person filling a Board seat will represent the stakeholder group designated for that seat in one of the following ways:

- Being a member of that group (for example, Seat 2 could be filled by a currently or formerly homeless veteran);
- Working for an agency/organization that serves the designated group; and/or
- Clearly representing the interests of that group, as evidenced in the potential Board member's nomination form.
- Exceptions:
    - Seat 1 must always be filled by a person with lived experience, not a representative of persons with lived experience.
    - Seat 16 must always be filled by a member of the TX BoS CoC's Youth Action Board (YAB)

In other words, for all Board seats except Seat 1 and Seat 16, a Board member serves as a representative for the population designated, e.g., Seat 2 need not be filled only by a homeless Veteran, but could also be filled by a person who specializes in serving homeless Veterans.

Seat Designations

Seat 1: Person with lived experience
Seat 2: Homeless veterans
Seat 3: Chronically homeless persons
Seat 4: Homeless families
Seat 5: Homeless youth
Seat 6: Victim services
Seat 7: Mental/behavioral health
Seat 8: Health/medical
Seat 9: Local government
Seat 10: Emergency Solutions Grant (ESG) Recipient
Seat 11: Public Housing Agency
Seat 12: Law enforcement/corrections
Seat 13: Business
Seat 14: Faith community or faith-based agency/organization
Seat 15: Texas Interagency Council for the Homeless (TICH) or State government agency
Seat 16: TX BoS CoC's Youth Action Board (YAB)
Seat 17: Elected public official
Seat 18: Community Action Agency (CAA)

All nominees for Board seats must live and/or work in the TX BoS CoC's geographic area. Anyone who lives or works in the TX BoS CoC's geographic area is considered to be a general member of the TX BoS CoC.

The CoC will strive to ensure broad representation among the 16 positions, including community stakeholders from around the CoC's geographic area. At any one time, no county in

the CoC will be represented on the Board by more than two members who represent an entity in that county or reside in that county.

Individual Board members may represent multiple stakeholders but may hold only one seat at a time.

Among the 18 seats, the CoC will aim to have at least 3 at any time filled by local homeless coalition (LHC) Chairs.

No more than 50% of CoC Board members at any time may be affiliated with agencies that are recipients of HUD Continuum of Care (CoC) Program funds and/or Emergency Solutions Grant (ESG) Program funds.

No more than one staff person and/or Board Member of a single agency/organization at any time may be an elected member of the TX BoS CoC Board. Therefore, only one staff person and/or Board Member of a single agency/organization at any time will be allowed to be nominated for a Board seat. If multiple people from the same organization are nominated, Collaborative Applicant staff will follow up with them to determine a course of action.

CoC Board members recognize that Board decisions must align with and support HUD's CoC Program and the TX BoS CoC's goals.

The CoC will ensure that the CoC Board, its chair, and any persons acting on behalf of the Board comply with a code of conduct and with conflict-of-interest requirements and recusal processes. CoC Board Officers (also known collectively as the Executive Committee) are responsible for enforcing and will enforce the CoC Board Members' Code of Conduct. (See also the CoC Board Officers' Policy.)

Board members are elected by the CoC membership in the spring of each year. Seats not filled during elections may be filled by the current Board accepting a person's nomination at any time of the year by a majority vote of Board members. Seat 16 is reserved for a Youth Action Board (YAB) representative. The YAB nominates a YAB member who is in good standing to fill CoC Board Seat 16, and the CoC Board votes on approving the nomination. If a YAB member who is filling Seat 16 stops participating in the YAB, then that member will no longer fill CoC Board Seat 16.

Board members will serve staggered terms of two years so that every year, half of the positions will stand for election. Terms begin on April1st and end on March 31st. Board terms may be extended for good cause, as determined by board members. if approved by a majority of board members.

Duties

The CoC Board will execute the following duties:

1. Review, provide guidance as needed, and approve the following areas of recommendations for action that are developed by the CoC Committees and/or THN staff:
    a. The prioritization of funding needs and strategies to finance housing and services for people experiencing homelessness
    b. The emphasis or direction of service delivery approaches for the CoC
    c. Responsibilities and duties of convening the HUD Continuum of Care
    d. Appointing subcommittees or workgroups as may be necessary to perform its duties and responsibilities.
2. Develop policies and procedures conforming to the U.S. Department of Housing and Urban Development (HUD) requirements detailed in 24 CFR part 578.1 to:
    a. Review and approve for execution with the Texas Homeless Network (THN) , the Memorandum of Understanding (MOU) for the CoC Lead Agency to operate the TX BoS CoC and the Collaborative Applicant, the HMIS Lead Agency, and the Coordinated Entry Lead Agency.
    b. Conduct year-round CoC planning of homelessness prevention and homeless assistance housing and services.

3. Develop and approve annual action plans for the CoC Plan.
4. Review the CoC Plan annually, and recommend adjustments, as needed.
5. Oversee planning:
    a. Program development
    b. Implementation design
6. Review the responsibilities of the CoC committees, workgroups, and task forces.
7. Continuously review CoC program performance through HMIS reporting.
8. Oversee the Independent Review Team-IRT that assists with the CoC's application process for HUD Continuum of Care Program funding.
9. Maintain and update the CoC Policies and Procedures needed to comply with requirements associated with establishing and operating a CoC and HMIS and Coordinated Entry requirements prescribed by HUD.

Minimum Requirements

CoC Board members must meet minimum requirements that include the following.

CoC General Membership

All Board Members must live and/or work in the TX BoS CoC's geographic area. Anyone who lives or works in the TX BoS CoC's geographic area is considered to be a general member of the TX BoS CoC.

Code of Conduct

All Board Members will annually sign the TX BoS CoC Board Member Code of Conduct and comply with it throughout their term of service.

Conflict of Interest Statement

All Board Members will annually complete and sign a Conflict of Interest Statement that identifies any personal interest that the Member may have in any matter pending before the CoC Board. Board Members shall refrain from participation in any decision or vote on such matter. No Continuum of Care board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents (24 CFR 578.95(b)) or on any item in which they have a vested interest.

To avoid even the perception of a conflict of interest, Board Members with a known conflict for a particular item, such as the CoC Program competition, will be asked not to share the meeting materials with anyone else nor use information in the materials to gain an advantage regarding the item with which the member has a conflict of interest.

Further, as to not influence the discussion or resulting decision associated with such item, the Board Chair or their designee may, at their discretion, ask Board Members with a conflict of interest to leave the space where the discussion or vote is taking place. This may be accomplished by the member leaving the room, placing that member in a digital "waiting room," or some other arrangement that is acceptable to the Board Chair or their designee. In this situation, the number of members required for a quorum and required for taking any board action will be reduced by the number of Board Members who have a conflict of interest.

Confidentiality Agreement

All Board Members will annually sign a Confidentiality Agreement and comply with it throughout their term of service.

Attendance

Board Members must attend at least 70% of the regularly scheduled CoC Board meetings in a term year. If a Member will not be able to achieve or does not achieve at least 70% attendance by the end of the Board term, the member's attendance will be reviewed by the remaining board

members. Board members may be removed from the board by a majority vote of the remaining Board members if they do not meet attendance requirements.

Board members must notify the board support staff person by email if they will miss a board meeting.

If a member anticipates an extended absence, the member will notify the Board Chair and board staff support person of the circumstance so that the Board may plan for and manage the work assigned to that member.

Terms of office

Board members will serve staggered terms of two years so that every year, half the positions will stand for election.

Members may serve a maximum of two (2) consecutive terms of office. After serving two consecutive terms, and after not being a Board Member for at least one year, then the former Member may run for re-election in the next election cycle.

A member who is elected or appointed to fill the unexpired portion of a vacated board seat shall complete the remaining portion of the original member's term. At the conclusion of that term, the member is eligible to run for election to a full two-year term and, if elected, is also eligible to run for election to one additional two-year term.

Resignation and Removal of Board Members

Board members may resign at any time by giving oral or written notice. When a member resigns, that member may suggest another person to fill the seat from which the member is resigning, and the Board will vote whether or not to accept that person as the member's replacement to fill the seat.

Board members can be removed from the Board by a majority vote of the remaining Board members for repeated absences or for violation of the Board Member Code of Conduct or Conflict of Interest Policy. When a member is removed from the board, the Board may appoint another representative to fill the unexpired term, or the board may direct staff to run a nomination and election process to fill the unexpired term.

For Seat 16, which is filled by a Youth Action Board (YAB) member, if the member in Seat 16 resigns or is removed from Seat 16, the YAB will nominate another YAB member, and the CoC Board will vote on approving the nomination.

If a board member is removed from the board for a code of conduct violation or a conflict-of-interest violation, that member is not eligible to run for a seat on the CoC board for 5 years following their removal.

If a Board Member changes employment during their term, several options exist:

- If the Board Member continues to work and/or live in the TX BoS CoC, the Board member may continue serving on the Board because the Member still has the relevant experience that was in place when the Member was elected.
- If the Board Member no longer works or lives within the TX BoS CoC, and if the Member has held the seat for more than three months, the Member may continue to serve for the remainder of the term, but the Board Member may not run for re-election after the term ends.
- If the Board Member no longer works or lives within the TX BoS CoC, and if the member has held the seat for less than three months, the Board Member must resign from the Board, and the other Board Members will fill the seat with someone who works or lives in the TX BoS CoC.

Vacancies

When a Board member resigns or is removed from his/her seat, the Board may appoint another representative to fill the unexpired term, or the board may direct staff to run a nomination and election process to fill the unexpired term. For Seat 16, which is filled by a Youth Action Board (YAB) member, if the member in Seat 16 resigns or is removed from Seat 16, the YAB will nominate another YAB member, and the CoC Board will vote on approving the nomination.

Election Process

THN staff will develop and execute a nomination and election process for approval by the CoC Board. It will include a timeline, activities, forms, and other materials necessary to develop a slate of CoC Board member candidates annually and elect Board members. THN staff will facilitate the voting process.

Nominees receiving the most votes will be elected to the Seats for which they were slated.

Announcement

THN staff are responsible for ensuring that a broad audience of CoC general members are notified about upcoming elections for CoC Committees and the CoC Board.

Staff may make election announcements via the monthly TX BoS CoC Newsletter, CoC General Meetings preceding the election, and THN social media accounts.

THN staff will target outreach efforts towards those general members most impacted by CoC policies.

Voter Eligibility

All board members must be general members of the TX BoS CoC. Anyone who works or lives in the CoC's geographic area, and has an interest in preventing and ending homelessness, including all housing and homeless services projects in the CoC's geographic area, are considered to be general members of the CoC.

If board members are being selected by region, voters may only select a nominee from the region in which they work or live. If the voter lives in a different region than the one in which they work, or work in more than one region, they may vote for nominees for all of the regions in which they live and/or work.

Voting Process

The TX BoS CoC will follow written processes to elect the CoC Board. The CoC will review, update, and approve the election process at least once every five years. This process will include a timeline for the election process, including preparation time, the dates when nominations and voting will take place, when announcements of the election will take place, and the date of new member orientation.

THN staff will inform nominees whether or not they were elected for a seat on the board as soon as possible after the election period has ended. Election tallies will not be posted online, but the newly elected board members will be announced in the BoS Newsletter, on social media, and on the THN website.

The CoC Board members from the term previous to the members being elected will ratify the votes for the new members at the board meeting proceeding the election.

Tie Breaking

In the event that two or more nominees running for the same seat receive an equal number of votes, resulting in a tie, the board will vote on the nominees, and the nominee receiving the most votes will be elected to the seat. If the board’s vote results in a tie, then nominees’ names will be placed into a hat, and one name will be drawn from the hat. The nominee whose name is drawn from the hat will be elected to the seat.

Dispute and Violation Reporting

CoC members may report violations of this policy, or dispute the results of elections, if they believe that misconduct has taken place. The CoC Board will review all disputes and violation reports to verify the validity of the election results. The board may direct THN staff to hold a new election in the event that the election results are determined to be invalid due to a violation of election policy or an unresolved dispute.

To report a violation of election policy or to dispute an election, fill out the Dispute and Violation Reporting Form, located at https://thn.wufoo.com/forms/w35jhaf05v8d4g/.

Meetings

The CoC Board will meet at least quarterly, and special called meetings will be held, as needed. CoC Board meetings may be held in person or remotely, such as by webinar and/or by phone.

THN staff will, in consultation with the CoC Board, create agendas for CoC Board meetings, record meeting attendance and minutes, and provide additional staff support, as needed.

Quorum

A majority or 51% of the board membership constitutes a quorum at all regularly scheduled board meetings. No business will be conducted unless a quorum is present. An informal meeting may be held, but no votes may be conducted. Once quorum is reached, passing a motion requires only a simple majority of “yes” votes of eligible voters that are present.

In the case of specially called board meetings, the number of members required for a quorum and required for taking any board action will be reduced by the number of Board Members who have a conflict of interest.

At these meetings, the only agenda item will be the item under consideration. Examples include the request for proposals, the ranked list of projects recommended for funding (ranking), or applicant grievances.

Action without a Meeting

Per the Board’s “Action without a Meeting” policy, adopted 2/10/2016, any action that may be taken at a meeting may also be taken without a meeting, such as via electronic voting (email, fax, or text). When possible, any action to be taken outside of a meeting will have been discussed at a Board meeting and deferral of action approved by the Board.

When an item is presented for an electronic vote, that item must 1) have been discussed in a regular or specially called board meeting previously, as stated above, or 2) be open for discussion for at least 24 hours before a board member can make a motion to vote. When a motion is made and seconded, the Board Chair or their designee or Collaborative Applicant staff will restate the motion and ask Board members to vote. Board Members will have 24 hours to register their vote (Yes, No, Recuse, Abstain). Board Members that do not register their vote in that period, will have a vote of "Abstain" recorded in the voting record.

Revising the CoC Board Requirements

Revisions to the CoC Board Requirements may be proposed by any CoC Board member or by CoC Collaborative Applicant (Texas Homeless Network) staff. CoC Board members have the discretion to determine when a proposed change will be made available for public comment. Proposed revisions shall be presented on the agenda for the board meeting where members will vote on the revisions or by email if the board will take an action without a meeting (such as by electronic voting). As long as a quorum is reached, passing a motion requires only a simple majority of "yes" votes of eligible voters that are present.