

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: November 10, 2015

TO: Honorable Members of the City Council

FROM: Sharon M. Tso *SM Tso*  
Chief Legislative Analyst

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City Administrative Officer

**GOVERNANCE FOR HOMELESSNESS PROGRAMS**

**SUMMARY**

Motion (Huizar-Bonin, CF# 14-1101) instructs the Chief Legislative Analyst (CLA) and City Administrative Officer (CAO) to report with recommendations concerning providing a full time City coordinator for homeless services. How and who oversees and governs homeless programs in the City will be essential to the implementation of the Comprehensive Homeless Strategy.

Several models for interdepartmental coordination are described in this report, ranging from informal technical groups to Charter-designated departments. Each provides different levels of oversight, control, and resource needs. The Oversight Board model may be the most effective approach, providing a balance of departmental responsiveness and resource demands.

As this report was prepared, staff learned that the Los Angeles Homeless Services Authority (LAHSA) was also considering governance issues with regard to changes in federal law. New guidelines from the federal Department of Housing and Urban Development (HUD) require greater community and constituent participation in the development and implementation of the Continuum of Care (Continuum). LAHSA is considering organizational changes to meet these requirements, but no recommendations are available at this time.

**RECOMMENDATIONS**

That the Council:

1. Instruct the City Administrative Officer (CAO) and Chief Legislative Analyst (CLA) to incorporate into the Comprehensive Homeless Strategy the establishment of a Homelessness Programs and Services Oversight Committee comprised of the CAO, CLA, and Mayor, or their designees, to oversee implementation of the City's Comprehensive Homeless Strategy;
2. Request that the Los Angeles Homeless Services Authority (LAHSA) provide status reports on their governance revisions related to compliance with federal

requirements, including any potential changes necessary to the LAHSA Joint Powers Agreement (JPA); and

3. Instruct the CLA, CAO, HCID, with LAHSA, to evaluate and recommend revisions to the LAHSA JPA with regard to joint coordination efforts between the City and LAHSA, including policy development and reporting requirements.

## **FISCAL IMPACT**

There is no fiscal impact associated with this action.

## **BACKGROUND**

Motion (Huizar-Bonin, CF# 14-1101) instructs the Chief Legislative Analyst (CLA) and City Administrative Officer (CAO) to report with recommendations concerning providing a full time City coordinator for homeless services.

Because LAHSA is an intermediary between local the County, City, and other participating cities) and the federal government and the Department of Housing and Urban Development (HUD), their governance must reflect both local and federal requirements. The joint powers authority (JPA) that authorizes LAHSA to operate describes certain reporting and operational requirements, and establishes a Board of Commissioners that provides management oversight of the organization.

At the same time, federal law requires that organizations receiving federal funds be organized and operate in specific ways. As a result, the City and County may be obligated to accept that LAHSA be structured in ways to comply with federal requirements.

Finally, the City finances and coordinates a wide range of matters that involve the homeless such as funding shelter programs operated through LAHSA, funding the development of affordable and permanent supportive housing, or cleaning streets in areas with large concentrations of homeless people. Effective and efficient internal coordination of services within the City can assist with the provision of services directly and indirectly to the homeless.

The following discussion reviews the current structure of the JPA, federal requirements that may require adjustments to the LAHSA governance structure, and other related considerations. It then reviews models for interdepartmental coordination within the City which serve as options to enhance homeless service delivery and alignment of City services with homeless policies.

### **LAHSA Governance**

The County and City established LAHSA through a JPA in 1993 and amended in 2001 (Attachment A). The term of the agreement is indefinite until terminated by either or both of the parties. Several provisions of the JPA are outlined below.

### **Powers and Duties**

LAHSA has powers common to the City and County to provide homeless programs and services and other related social services to assist those persons in the community who are eligible to receive those services, including the following:

- Make and enter into contracts;
- Employ agents, servants and employees;
- Acquire, construct, manage, maintain, operate and lease buildings, works or improvements;
- Acquire, hold or dispose of property within the County;
- Incur debts, liabilities or obligations, which shall not constitute debt, liabilities or obligations of the City or County;
- Receive services and other forms of assistance from persons, firms, corporations and any governmental entity; and
- To sue and be sued, however LAHSA cannot sue the City or County.

**Commission**

LAHSA is governed by a Commission composed of ten members; five appointments from the County Board of Supervisors and five appointments from the Mayor and confirmed by the City Council. However, if any of the City's appointees are City Council members, that appointment shall be concurred in only by the President of the Council. Of the five City appointees, one member shall be appointed to represent the business interests in the downtown area. The City and County find and declare that the City downtown business appointee is intended to represent and further the interest of downtown businesses and that such representation and furtherance will ultimately serve the public interest and constitute the public generally within the meaning of Government Code 87103. Commissioners shall serve at the pleasure of their respective appointing powers and may include at least one elected official from each appointing power, which official may designate a representative to serve on his or her behalf. All terms shall be three years, unless extended by the appointing powers. All meetings of the Commission shall be called, noticed, held and conducted in accordance with the provisions of applicable state law, including the Ralph M. Brown Act.

**Executive Director**

The Executive Director of LAHSA serves at the will of the Commission and is subject to its policies, rules, regulations and instructions. The Executive Director shall have the power delegated and assigned by the Commission (see page 7 of the JPA).

**Advisory Board**

LAHSA's Board of Commissioners may establish an Advisory Board to provide recommendations on policy and planning issues related to LAHSA's purpose, including the following:

- Provide legislative updates and public policy reviews;

- Advise the Commission regarding standards and programs to facilitate collaboration and communication between agencies serving the homeless; and
- Make recommendations to the Commission regarding homeless policies, programs and services.

**Budget**

The City and County shall review LAHSA’s proposed budget and may make recommendations to the Commission for its final adoption. The annual approved budget by the City and County shall constitute the combined approved budget of the Authority for the ensuing fiscal year.

**Annual City and County Funding Contributions**

Each fiscal year the City and County shall contribute funding to LAHSA, as set forth below. The City’s contribution shall be used to fund services only within the City, and the County’s contribution may be used in the City or the County. The County agrees that LAHSA programs are not to unilaterally reduce its level of effort in the City relative to its efforts elsewhere in the County:

- Program Funds - The full amount of Emergency Shelter Grant program funds as allocated by the U.S. Department of Housing and Urban Development;
- Administrative Funds - Administrative overhead funding to administer homeless programs in the City and County including the following:
  - Supportive Housing Program;
  - Emergency Services Grant Program;
  - Los Angeles Homeless Initiative Program; and
  - Emergency Food and Shelter Program Grants.

**Relationship Between LAHSA and the City**

The JPA does not provide details concerning LAHSA’s relationship with the City, other than a requirement that LAHSA’s Chief Financial Officer provide a report on the organization’s finances to the City within 180 days of the end of each fiscal year. The purpose of the JPA is to ensure that LAHSA operates as a fully independent organization, capable of setting its own policy and budgetary priorities. And the LAHSA Commission was established to ensure public oversight and accountability.

Recent efforts by the City, as well as the County’s Homeless Initiative policy summits, concerning solutions to address homelessness, have shown that improved communications, coordination, and reporting are necessary components of any strategy that seeks to relieve the homeless crisis. Concurrently, recent discussions at LAHSA concerning the Continuum of Care, addressed below, seek to create new governance structures to continue that dialogue. At the same time, additional consideration of the JPA with regard to the relationship between the City and LAHSA may be warranted. As such, it may be appropriate to amend the JPA to reflect revised governance structures within the City and LAHSA in order to strengthen service delivery and program accountability.

## **HUD Requirements**

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (the HEARTH Act) amended federal laws related to the various homeless assistance programs, consolidating them into a single grant program known as the Continuum of Care (Continuum). Among the provisions of the HEARTH Act is a requirement that the local Continuum coordinate funding for services and housing through a chartered group of representatives from across the spectrum of organizations and institutions that are involved with homeless services. The composition of the Continuum is to be tailored to the circumstances of the local community, and should include representatives from government, service providers, health care, universities, law enforcement, housing developers, and homeless or formerly homeless individuals. Geographic representation is also a key factor.

Continuums are expected to hold regular meetings, add new members each year, establish governing documents that address board selection and operations, and appoint committees and subcommittees. The Continuum would monitor the performance of recipients of funds, evaluate performance, and other actions to ensure the quality of service.

LAHSA currently receives advisory assistance from a Coordinating Council comprised primarily of service providers, but the organizational requirements of the HEARTH Act have not been fully implemented. As such, LAHSA is currently exploring options related to the development of a Continuum Board. The planning process for this new Continuum Board was initiated in October 2015 and is on-going. Proposals will be coming forward to the LAHSA Commission for consideration.

The Continuum applies to a significant portion of the LAHSA work program, with additional support provided by the City and County. HUD expects that the local homelessness program is fully integrated and that the Continuum should be positioned to coordinate all homeless program areas.

## **Interdepartmental City Coordination of Homelessness**

In 1993, the City's programs and services related to the homeless were transferred to LAHSA, which was formed to coordinate and manage homeless programs in the City as well as the County. The Housing and Community Investment Department (HCIDLA) was designated as the lead agency within the City to manage the LAHSA contract, as well as other policies related to homelessness.

But as indicated in the CAO report concerning City engagement with homelessness (CF# 15-0211), many City departments are involved with homelessness even though their responsibilities are not primarily or directly associated with homelessness. The report found that interactions among departments were not coordinated or tracked, and as a result are often less efficient and costly. These findings indicate that greater interdepartmental coordination of homelessness policies, issues, and services could ensure greater responsiveness to the needs of the homeless. In addition, the Comprehensive Homeless Strategy may require long-term oversight to ensure that the goals and objectives of that strategy are implemented.

In responding to other Citywide critical priorities, the City has used several models to coordinate efforts among City departments. This section reviews those structures and specific examples for consideration. These range from very informal technical groups to oversight designated by law. Selection of the most effective coordination model should be complementary to the governance changes that may be implemented at LAHSA.

For reference, Attachment B provides a summary discussion of municipal governance models from several cities across the United States.

### **Technical Groups**

From time to time, technical groups have formed within the City to address a significant issue. These groups can be formed based on the interests of several departments or at the instruction of the Council and Mayor. For example:

-- **Census Technical Committee**: All departments assign a staff person to evaluate the U.S. Census Bureau's (Bureau) technical programs to ensure that they are adequate to count all residents of the City; evaluate Bureau data to ensure that all City streets and addresses are correctly represented; and support public information campaigns to ensure that City residents understand the importance of the decennial census. This committee forms every ten years at the instruction of the Council and Mayor.

-- **Current Homelessness Focus**: City departments working on the current homelessness crisis are effectively working under the technical group model, with the CAO providing coordination and management of these efforts. This effort emerged following a Council Motion requesting a review by the CAO of City costs related to homelessness.

-- **Farmers Field Negotiations**: The broad scope of the New Hall and Event Center project (including the proposed football stadium, Farmers Field) required coordination among many City departments. The CLA coordinated efforts by the CAO, City Attorney, Los Angeles Convention Center, Planning Department, Bureau of Engineering, Cultural Affairs Department, and others as needed to ensure that all City requirements were clearly understood and addressed in the final deal documents.

### **Task Forces**

Formal task forces have been formed that include a single department as lead. These groups typically include a wide array of City staff and/or constituent appointees to address a specific issue, in-depth, over a short period of time. Examples include:

-- **Citywide Film Task Force**: In 2009, the Los Angeles City Council created the Citywide Film Task Force, comprised of members of the entertainment industry and various City departments and agencies, as a way to identify and resolve issues that limit the ability of the entertainment industry to operate in the City. Every City department has a designated film liaison who participates in the Task Force. The Task

Force has served as both an educational venue and a forum for discussion of film issues. The Economic and Workforce Development Department currently coordinates efforts of the Task Force.

-- **Burglar Alarm Task Force**: Issues concerning the dispatch of police resources to false burglar alarms resulted in the formation of a task force assigned to evaluate data, policy options, and service issues. The task force was comprised of representatives from the City, the alarm industry, and community interests. Council created the task force and designated the CLA as chair.

-- **Revenue Collection Task Force**: In 2010, a Revenue Collection Task Force was established by the Office of Finance, with assistance from the CAO, CLA, City Attorney and other operating departments, to identify the methods available to the City to secure revenues due to the City (C.F. 09-2560-S1). The Task Force was responsible for identifying City revenue collection systems that worked and those that required re-evaluation.

### **Mayor's Office**

The Mayor's Office has several specialized offices focused on specific issues, such as immigration services, business development, and public safety.

-- **Office of Immigrant Affairs**. The Mayor's Office of Immigrant Affairs was created at the request of Council to provide programs and initiatives to support immigrant integration into the City of Los Angeles through Coordination of city services, outreach, and legislative advocacy.

-- **Gang Reduction Youth Development (GRYD)**. The GRYD Office seeks to strengthen community & family resilience to the influence of gangs by fostering private/public collaborations and supporting community based prevention and intervention services.

-- **Mayor's Affordable Housing Cabinet**. On October 23, 2015, the Mayor issued Executive Directive No. 13, calling for several measures to support affordable housing development. Included in the directive is the formation of a Mayor's Affordable Housing Cabinet. The Mayor's Cabinet will be comprised of three departmental Affordable Housing Liaisons and representatives from and designated by the Office of the Mayor. Affordable Housing Liaisons shall be senior managers designated by each General Manager from the departments of City Planning, Building and Safety, and the Housing and Community Investment Department. The Mayor's Affordable Housing Cabinet shall facilitate interdepartmental coordination to expedite project approvals and track case processing times for each administrative application process for qualified affordable housing developments.

## **Czars**

From time to time, mayors have designated a single individual to focus on a specific issue. In the recent past, “czars” have been named to focus on job development, gang issues, and filming. These individuals have used the authority of the Mayor’s Office to resolve issues within City departments and to represent the issue to constituents, industry, and other governmental agencies. Czars have typically served for a limited period of time.

## **Departmental Designation**

City departments are periodically charged as the lead for certain interdepartmental efforts, particularly when the issue of concern clearly falls within the subject matter of the department. Examples include:

-- **Y2K**: In 1997, the City's Information Technology Agency established a Year 2000 Project Office headed by ITA's Executive Officer to manage ITA's compliance efforts and to coordinate Year 2000 compliance activities of other City departments. In September 1998, the Mayor elevated this office by establishing the City Year 2000 Compliance Project Office within the Office of the Mayor. This office managed and coordinated the Year 2000 Project on a citywide basis.

-- **Inspector General of Citywide Collections**: The Commission on Revenue Efficiency, discussed below, made recommendations that led to the creation of an Inspector General of Citywide Collections. This position was appointed to oversee the recovery of unpaid bills and tickets across City departments. The Inspector General position was placed in the Office of the CAO because of the CAO’s pre-existing budgetary reporting requirements. The Inspector General reports regularly to the Mayor and Council regarding departments’ performance relative to debt collections and revenue targets, compliance with City directives and implementation of performance improvement recommendations.

## **Oversight Committee**

Several oversight committees have been established to address specific issues related to City governance. Oversight Committees are typically public committees subject to the Brown Act. Examples include:

-- **CRA/LA Bond Oversight Committee**: Pursuant to Mayor and Council action (C.F.14-1174), a Bond Oversight Committee (BOC) was established consisting of the CAO (chair), the CLA, the Mayor, or respective designees to oversee the expenditure of the Excess Bond Proceeds for compliance with the applicable bond covenants, Bond Expenditure Agreement, Bond Spending Plan, and Redevelopment Law (together, the “Bond Covenants”). The BOC is responsible for the oversight of \$84 million in bonds received from the defunct CRA/LA.

-- **Municipal Facilities Committee**: Established in 1956 by Council resolution, the Municipal Facilities Committee (MFC) consists of representatives of the Mayor’s Office, CLA and CAO (chair), and makes recommendations to the Council relative to capital programming and facility space management in the



City. Types of projects supported include physical plant improvements such as storm drains, sewers, street lights and traffic signals; branch libraries, police and fire stations, parks and recreation centers and municipal office buildings.

-- **Managed Hiring:** The Managed Hiring Committee (MHC) was established to approve departmental hiring requests submitted as part of the City's Managed Employment Process (MEP, C.F. 04-0600-S22). The MEP was designed to provide operational and budgetary oversight of departmental hiring requests through monthly budget monitoring; however, formal Council and/or Mayor approval on all requests resulted in a time-consuming process, and the establishment of the MHC was envisioned as a more efficient process. The MHC consists of representatives from the Mayor's Office, CLA and CAO (C.F. 10-1297).

### **Commission**

A public commission could be established, either independently or within an existing City department, that would have the responsibility to review and advise the Council and Mayor regarding departmental efforts concerning homelessness. Commissions operate under the Brown Act, and would provide a public venue to oversee implementation of the Comprehensive Homelessness Strategy and departmental work programs. Commissions are typically comprised of an oversight board appointed as designated, typically by the Council and Mayor. In all cases, the commission requires staff support to organize and distribute agendas and meeting materials, prepare staff reports, and other organizational and management duties as instructed by the commission.

-- **Commission on Revenue Efficiency:** CORE was created in 2010 by the Council to evaluate and recommend improvements in revenue collections. In the course of four months, the Commission conducted a detailed review of revenue, billing, and collections practices and provided specific recommendations for reform. CORE was staffed by the CLA. This commission was authorized by Council action and operated over a fixed term.

-- **Redistricting Commission:** The City Charter requires that a commission of 21 City residents consider and recommend changes to the boundaries of the 15 City Council districts and another commission of 15 residents of the Los Angeles Unified School District (LAUSD) to consider and recommend changes to the LAUSD district boundaries. The Commissions are independent and hire their own staff. All elected officials in the City and LAUSD have appointing authority to the commissions. The commissions are authorized by the City Charter and operate over a fixed term.

-- **Affordable Housing Commission:** The Affordable Housing Commission was created in 1990 by ordinance. The Commission is comprised of seven members appointed by the Mayor and makes policy recommendations to address the city's housing needs, including preserving and creating housing opportunities; reviews government's plans and budgets to ensure they conform with city housing policy; and encourages cross-sector partnerships to promote the preservation and production of housing. This commission was created in 1990 by ordinance and convenes regular meetings.

### **Dedicated Department or Office**

All City departments were created either by designation in the City Charter or by ordinance adopted by Council. A departmental structure could be created with the force of law that would be empowered with the authority to direct City departments with regard to homeless services.

-- **Housing and Community Investment Department**: HCID was originally created in 1990 as the Housing Preservation and Production Department. Housing services had previously been distributed across several departments, principally the Community Development Department and the Mayor's Office. HCID was formed by ordinance to focus the City's efforts on housing.

-- **Office of Public Accountability (OPA)**: The OPA, led by the Ratepayer Advocate, is a City office established by voter-approved Charter Amendment I (adopted March 8, 2011) in order to evaluate the Department of Water and Power's operations and finances, and to serve as an independent watchdog, charged with analyzing proposed increases in water and power rates on a timely and continuous basis.

### **Comparison of Options**

Of the interdepartmental models presented above, formation of an Oversight Committee provides the strongest oversight without additional budgetary commitments. This model ensures that the Council and Mayor provide regular, focused attention on the issue of homelessness and that responsible departments remain accountable to the Council and Mayor. Furthermore, an Oversight Committee comprised of the Chief Legislative Analyst, City Administrative Officer, and Mayor would ensure that all departments remain accountable for their assigned work products. These offices do not deliver the services that impact the homeless directly, providing independence in evaluating service delivery. And these offices would be able to report to the Council and Mayor any budgetary, staffing, or policy adjustments necessary to improve services.

Whereas several of the models can be highly effective, such as technical groups, they require staff to remain engaged over the long-term and departmental management to provide support to that staff. Likewise, departmental oversight is dependent upon management maintaining long-term support and focus for the issue. Should departmental budgets or staffing come under pressure, the focus on homelessness could falter.

Another key concern is that without the force of law, such as an ordinance or Charter requirement, a lead department may have difficulty receiving support from another department. Each department is responsible for managing its budget, resources and priorities. Although departments are generally cooperative with one another, in times of difficulty related to budgets or staffing, it may be difficult for one department to sustain and direct work efforts by another department.

A commission would be an effective choice under other circumstances. With regard to homelessness, though, significant participation by appointed constituent and institutional groups is provided through the LAHSA Commission and the Continuum, which may be expanded. It

may not be efficient to create another commission to provide oversight and advice to the Council when existing public forums are currently in place and being enhanced. It should also be noted that the City Council recognizes homelessness as a significant issue and assigns review of homelessness issues, policies, and programs to one of its committees, currently the Homelessness and Poverty Committee.

The Oversight Committee model has proven to be successful. It provides focus on the issue at hand, no extended process is required to establish such a committee, and costs to operate the committee are limited. Oversight Committees report regularly to Council and the Mayor, who can provide direction expeditiously as needed.

Attachment A

LAHSA JPA

C-101130

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JOINT EXERCISE OF POWERS AGREEMENT  
BETWEEN  
COUNTY OF LOS ANGELES, CITY OF LOS ANGELES  
CONTINUING THE LOS ANGELES HOMELESS SERVICES AUTHORITY

THIS AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT ("AGREEMENT"), is made this 28<sup>th</sup> day of February, 2001, by and between the County of Los Angeles, a body corporate and politic and political subdivision of the State of California (the "County"), and the City of Los Angeles, a municipal corporation of the State of California (the "City").

WITNESSETH:

WHEREAS, the parties did, as of the seventeenth day of December, 1993, make an agreement known as the Joint Exercise Of Powers Agreement Between County Of Los Angeles, City of Los Angeles, Creating An Agency To Be Known As The Los Angeles Services Authority (the "Initial Agreement", and

WHEREAS, the parties amended the Initial Agreement as of the twenty-eighth day of April, 1994, to change the name of the Agency to The Los Angeles Homeless Services Authority; and

WHEREAS, the term of the Initial Agreement was for an initial five year period, which could be extended year to year until terminated by either party; and

WHEREAS, the parties desire to extend the Initial Agreement on an indefinite basis until terminated by either party, and also desire that the Initial Agreement, as amended, be updated and revised and (for purposes of convenience) restated in certain respects;

NOW, THEREFORE, IT IS AGREED that the Initial Agreement (as heretofore amended) is amended and restated to read in its entirety as follows:

Section 1. Purpose.

This Amended and Restated Joint Exercise of Powers Agreement (hereinafter "Agreement") is made pursuant to the provisions of Article

continuing the Los Angeles Homeless Services Authority (hereinafter "the Authority"), by extending the term of the Initial Agreement indefinitely until terminated by the Parties, to expand options for designation of the Treasurer and Controller of the Authority, and to update, revise, and (for purposes of convenience) restate the Initial Agreement as provided herein. The Authority shall be a public entity separate and apart from the entities of the parties to this Agreement, which is capable of exercising independent powers, separate and apart from the entities of the parties to this Agreement, to coordinate the operation of existing services for the homeless which the parties operated separately prior to forming the Initial Agreement, and to design, fund and operate other homeless and related social services to assist those in the community who are eligible for those services. County and City each possess the powers necessary to implement and accomplish this Agreement. The purpose of this Agreement shall be accomplished and common powers exercised in the manner set forth in the Agreement. Nothing contained in this Agreement shall preclude City or County from establishing, maintaining or providing social programs or services to its residents as it deems proper and necessary.

Section 2. Term.

The initial five year term of this Agreement is extended on an indefinite basis until terminated by either or both Parties, as provided herein. At least every five years from the date this Agreement is executed, or at such earlier time or times as the Board of Commissioners of the Authority (herein "the Commissioners") deem appropriate, the Commissioners may review the continued viability of the Authority to carry out its intended purposes.

Section 3. Termination and Amendments.

(a) No termination or amendment shall be made which is contrary to any contract and/or grant agreement entered into by the Authority with the United States of America, or with the State of California, or any department, administration or agency of either, if such contract or grant agreement was previously approved by the County or City.

(b) Subject to the provisions of subsection (a), the Parties may terminate or amend this Agreement as follows:

(1) This Agreement may be amended on 30 days' written notice pursuant to Section 12 hereof, and approval by the Parties

(2) Either Party may terminate its participation in this Agreement by giving written notice, pursuant to Section 12 hereof, no later than 180 days prior to the effective date of termination. In the event the Agreement is

terminated, any property acquired by the Authority as a result of the Agreement, including but not limited to money, shall be divided and distributed to the Parties in proportion to the contributions made by or attributed to the Parties respecting the property to be distributed unless otherwise required by law or by a franchise, license, permit, contract or other prior action of the Authority.

(c) No addition to, or alteration of, the terms of this Agreement, whether by written or oral understanding of the parties, their officers, employees or agents, shall be valid or effective unless made in the form of a written amendment which is formally adopted and executed by the Parties in the same manner as this Agreement.

(d) Additional separate political entities may become associated parties to this Agreement (the "associated parties") on such terms and conditions as the Parties may require, provided that the County and City consent and formal action approving such association is taken by the associated party's governing body. Associated parties shall have all the rights of the Parties hereto, except the right to terminate or amend this Agreement.

#### Section 4. The Authority.

##### (a). Creation of Authority.

Pursuant to the Act, there is hereby created a new, public entity, separate and apart from the Parties, to be known as the "Los Angeles Homeless Services Authority." The debts, liabilities and obligations of the Authority do not constitute debts, liabilities, or obligations of the Parties, or either of them, or of any associated party.

##### (b). Powers and Duties of the Authority.

The Authority shall have the powers common to the Parties to this Agreement to provide homeless programs and services and other related social services to assist those persons in the community who are eligible to receive those services. The Authority shall undertake such acts in furtherance of the programs and goals of County and City under this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of said common powers, including, but not limited to, any or all of the following: to make and enter into contracts; to employ agents, servants and employees; to acquire, construct, manage, maintain, operate and lease buildings, works or improvements; to acquire, hold or dispose of property within the County; to incur debts, liabilities or obligations, which shall not constitute debts, liabilities or obligations of any Party to this Agreement; to receive services and other forms of assistance from persons, firms, corporations and any governmental entity; and to sue and be sued in its

own name, except that in no event shall the Authority have the power to sue the Parties to this Agreement. The Authority may also solicit charitable contributions from private sources. Said powers shall be exercised in the manner provided in said Act and, except as expressly set forth herein, subject only to such restrictions upon the manner of exercising such powers as are imposed upon the City and County in the exercise of similar powers. The powers herein delegated to the Authority shall be exercised in accordance with the mode, manner and procedures of the City.

(c). The Commission.

(1). Appointees.

The Authority shall be governed by a Commission composed of ten (10) members. Five (5) Commissioners shall be appointed by the County Board of Supervisors ("Board"), and five (5) Commissioners shall be appointed by the Mayor and confirmed by the City Council ("Council"); provided however that if any of the City's appointees are members of the City Council, that appointment shall be concurred in only by the President of the Council. Of the five (5) City appointees, one member shall be appointed to represent the business interests in the downtown area. The Parties find and declare that the City downtown business appointee is intended to represent and further the interest of downtown businesses and that such representation and furtherance will ultimately serve the public interest and constitutes the public generally within the meaning of Government Code Section 87103. Commissioners shall serve at the pleasure of their respective appointing powers and may include at least one (1) elected official from each appointing power, which official may designate a representative to serve on his or her behalf.

(2). Terms.

All terms shall begin on appointment and shall be for three years, unless extended by the appointing powers.

(3). Successors and Vacancies.

Each Commissioner shall hold membership on the Commission during the term for which the Commissioner was appointed and until the Commissioner's successor is appointed, except that any Commissioner may be removed by the appointing party. In the case of a vacancy in membership on the Commission, the same shall be promptly filled by appointment thereto by the same party that made the original appointment. An appointment to fill a vacancy



occurring during an unexpired term shall be for the period of the unexpired term. The composition of the Commission may be amended from time to time by County and City to accommodate associated parties pursuant to Section 3(d) hereof.

(d). Regular Meetings.

The Commission shall provide for its regular, adjourned regular, and special meetings; provided, however, that it shall hold at least one regular meeting in each month of the year unless there is an unforeseen emergency or a quorum cannot be present, and such further meetings as may be necessary to conduct the business of the Authority. The dates upon which and the hour and place at which any regular meeting shall be held shall be fixed by resolution and a copy of such resolution shall be filed with County and City. At least seventy two hours prior to each Commission meeting, notice of said meeting shall be sent to each of the Parties.

(1) Ralph M. Brown Act.

The Commission shall adopt rules for conducting its meetings and other business. All meetings of the Commission, including without limitation regular, adjourned regular and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of applicable state law, including the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code.)

(2) Minutes.

The Commission shall keep minutes of all regular, adjourned regular and special meetings, and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Commissioner and to the Parties and associated parties, according to the provisions of Section 12 hereof.

(3) Quorum.

A majority vote of the total membership of the Commission, not counting unfilled seats, shall be necessary for the transaction of business or for the approval of any matter, except for adjournment of a meeting which shall only require a majority vote of those present. Each member shall have one vote. No proxy or absentee voting shall be permitted.

(e). Officers

The Commission shall elect a chairperson and a vice chairperson from among its members at the first meeting held in each fiscal year.

In the event that the chairperson or vice chairperson so elected ceases to be a Commissioner, the resulting vacancy shall be filled at the next regular meeting of the Commission held after such vacancy occurs or at a special meeting called for that purpose. In the absence or inability of the chairperson to act, the vice chairperson shall act as chairperson. The chairperson, or in the chairperson's absence, the vice chairperson, shall preside at and conduct all Commission meetings.

(f). Attorney.

The County Counsel and the City Attorney shall be and act as Attorney for the Authority. In the event both are precluded from acting because of a conflict of interest or other legal impediment, the Commission may employ independent counsel with the consent of the County and City, and provided funds are available in the Authority's budget and are appropriated by the Authority for such purpose.

(g). Advisory Board.

The Authority may establish an Advisory Board (hereinafter "the Advisory Board") whose membership shall be determined by the Commission. The Advisory Board may adopt by-laws which shall be subject to the Commission's approval. The role of the Advisory Board is to advise the Commission on matters related to policy and planning for any of the purposes for which the Authority was formed. As such, the Advisory Board is charged with the following responsibilities: to provide legislative updates and public policy reviews to the Commission, to advise the Commission regarding standards and programs, to facilitate collaboration and communication between agencies serving the homeless, and to make recommendations to the Commission regarding homeless policies, programs and services. In carrying out these responsibilities, any such recommendations are advisory.

(h). Budget.

The Commission shall annually, on or before the first day of February of each year, submit a proposed budget to the Parties. The proposed budget shall show each of the purposes for which the Authority will need money and the estimated amount of money that will be needed for each such purpose for the ensuing fiscal year. Each Party shall review the proposed budget and may make recommendations to the Commission for its final adoption.

Section 5. Personnel.

The Authority may employ an Executive Director, Chief Financial Officer, and such other officers or employees as the Authority may deem necessary to carry out any of its powers, upon such terms and conditions as the Authority may require, including the retaining of professional and technical assistance, provided that adequate funds are available in the Authority's budget and are appropriated by the Authority therefor. The Authority may fix and pay the compensation of its officers and employees. The officers and employees of the Authority shall not be deemed to be officers or employees of the City or County.

Section 6. Executive Director.

The Executive Director shall act as the general manager of the Authority to direct the day-to-day operations of the Authority. The Executive Director shall not concurrently be an employee of any of the parties or associated parties to this Agreement. The Executive Director shall serve at the will of the Commission and be subject to its policies, rules, regulations and instructions. The Executive Director shall have the powers delegated and assigned by the Commission.

Section 7. Treasurer and Auditor/Controller

Subject to the restrictions contained in Sections 6505.6 of the California Government Code, the Authority may appoint its Chief Financial Officer to be the Authority's Treasurer and/or Auditor/Controller. If so appointed, the Chief Financial Officer shall comply with the duties and responsibilities of the office or offices as set forthwith in subdivisions (a) to (d) inclusive, of Section 6505.5.

Until such time as the Chief Financial Officer is appointed as the Authority's Treasurer and/or Auditor/Controller, and the funds of the Authority in County accounts are transferred to the Authority, the Auditor-Controller and Treasurer of the County will continue in their capacities to assume these responsibilities.

Section 8. Accounts and Reports

The books and records of the Authority in the hands of the Chief Financial Officer shall be open to inspection at all reasonable times by representatives of County and City. The Chief Financial Officer shall make a complete written report of all the Authority's Financial activities for each fiscal year within 180 days after the fiscal year closes, and shall provide such report to

County and City. City and/or County may conduct an independent financial and management report at its own expense.

Once the Authority appoints the Chief Financial Officer to be the Authority's Treasurer and/or Auditor-Controller and the funds of the Authority in County accounts are transferred to the Authority, the County Auditor-Controller shall conduct a quarterly financial review of the Authority's accounts and records during the succeeding twelve months and a semi-annual review during the second and third year. Such reports of these reviews shall be filed with the County and City.

The Chief Financial Officer shall cause an annual independent audit of the accounts and records of the Authority and records to be made by a certified public accountant or firm of certified public accountants in accordance with Government Code Section 6505. Such audits shall be filed with County and City and shall be made available to the public.

#### Section 9. Funds.

In the event the Authority designates its Chief Financial officer to fill the functions of Treasurer and/or Auditor/Controller, the Chief Financial Officer shall:

- (a) Establish and maintain such funds and accounts as may be required by standard accounting practice or by any provisions of any resolution of the Authority, including a separate account for receipt and disbursement of contributions from any source.
- (b) Receive and receipt for all money of the Authority and place it in the proper account with the treasury of the Authority.
- (c) Be responsible, upon his or her official bond, for the safekeeping and disbursement of all Authority funds so held by him or her.
- (d) Be responsible for the deposit of all money belonging to or in the custody of the Authority, as referred by California Government Code Section 53635.
- (e) Be responsible for the investment of surplus funds of the Authority not required for the immediate needs of the Authority, in accordance with the investment policy adopted annually by the Commission of the Authority and then in effect and Government Code Section 53601 and 53635.

(f) Pay, when due, out of money of the Authority held by him or her, all sums payable on outstanding bonds of the Authority (if any).

(g) Pay any other sums due from the Authority, or any portion thereof, as determined by the Commission and then in effect.

**Section 10. Assistance To Authority.**

The Parties, except as prohibited by law and this Agreement, may at any time make contributions from their treasuries or other sources to the Authority for the purposes set forth herein, may make advances of public funds for such purposes, and may use their personnel, equipment or property in lieu of other contributions or advances. Such sums shall be paid to and disbursed by the Authority. The method and manner of such payment, disbursement and possible repayment shall be determined by the Commission.

**Section 11. Contributions By The Parties.**

**(a). Annual Contributions.**

Each Party agrees to cooperate with the Authority to determine which program services and program and administrative funds will be made available to the Authority in each fiscal year. In order to further the purposes set forth in this Agreement for each fiscal year that this Agreement is in effect, each Party shall contribute to the Authority as follows:

**1) Program Funds**

The full amount of the Emergency Shelter Grant (ESG) program funds as allocated to the City and County annually by the U.S. Department of Housing and Urban Development, or any successor grant program funds serving essentially the same purposes. Either Party may contribute additional program funds as deemed appropriate for the construction and/or operation of homeless facilities and programs.

**2) Administrative Funds**

Each Party shall contribute funds annually towards the Authority's administrative overhead to administer homeless programs in the City and County under the Supportive Housing Program, Emergency Services Grant Program, Los Angeles Homeless Initiative Program, and Emergency Food and Shelter Program grants. Annual Contributions by each Party shall initially be determined by establishing an administrative overhead base for Fiscal Year 2000-2001 as set forth in subsections (a) and (b) below. The Authority may request

adjustments to each Party's administrative overhead base in subsequent budget years in accordance with subsection (c).

a) The County of Los Angeles shall contribute up to \$912,000 for Fiscal Year 2000-2001. This contribution will include \$556,000 from the General Fund with up to \$40,000 allocated for the provision of legal counsel to the Authority, and the amount of ESG administrative funds allocated to the County by HUD. The balance and source of funds will be determined by the County.

b) The City of Los Angeles shall contribute up to \$1,166,570 for Fiscal Year 2000-2001. The contribution will include the amount of ESG administrative funds allocated to the City by HUD.

c) At its discretion, either Party may contribute additional administrative funds to the Authority as deemed appropriate. The Authority may also request either Party to contribute additional administrative funds annually by submitting a proposed budget to each Party in accordance with Section 4 (h) of the Agreement. The proposed budget shall show each of the purposes for the additional administrative funds and estimated amount for each purpose. Each Party shall review the proposed budget and present final funding recommendations for adoption by the governing body of each Party. The annual approved budget by each Party shall constitute the combined approved budget of the Authority for the ensuing fiscal year.

(b). Unavailability of Grant Funds for Homeless Programs

In the event that grant funds for homeless programs or services are no longer available to either Party, this contribution obligation shall cease. In the event this obligation ceases, either Party may exercise its right to withdraw or terminate pursuant to Section 3 hereof.

(c). Use of Contributed Funds

The contribution of the City shall be used to fund services only within the City. The contribution of the County may be used to fund services within both the City and Countywide, consistent with grant restrictions. The Authority shall comply with all Federal statutory and legal requirements in respect to all Federal grant funds contributed by each party.

The intent of the Parties is that the homeless be served in any location in the County where service is available. The County agrees, insofar as programs administered by the Authority are concerned, not to unilaterally reduce its level of effort in the City relative to its efforts elsewhere in the County. In

addition, the Authority shall ensure that homeless needs identified in urban County areas are given due consideration for funding based upon the needs and priorities established in the Consolidated Planning process.

**Section 12. Notices.**

Notices required or permitted hereunder shall be sufficiently given if made in writing and delivered either personally or by registered or certified mail, postage prepaid, to the persons and entities listed herein at the following addresses, or to such other address as may be designated to the Authority for formal notice:

(a) Los Angeles Homeless Services Authority:

Executive Director,  
Los Angeles Homeless Services Authority  
548 South Spring Street, Suite 400  
Los Angeles, California 90013

(b) County of Los Angeles:

Director,  
Los Angeles County Department of Community  
And Senior Services  
3175 West Sixth Street  
Los Angeles, California 90020

(c) City of Los Angeles:

General Manager,  
City of Los Angeles Community Development  
Department  
215 West Sixth Street  
Los Angeles, California 90014

**Section 13. Other Obligations.**

The responsibilities and obligations of each Party to this Agreement shall be solely as provided in this Agreement, or as may be provided in supplemental agreements or amendments executed by the Parties.

Section 14. Severability

Should any part, term, portion or provision of this Agreement, or the application thereof to any person or circumstance, be held to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, it shall be deemed severable, and the remainder of this Agreement or the application thereof to other persons or circumstances shall continue to constitute the agreement the Parties intended to enter into in the first instance.

Section 15. Miscellaneous.

(a). Section Headings.

The section headings herein are for convenience only and are not to be construed as modifying or governing or in any manner affecting the scope, meaning or intent of the provisions or language of this Agreement.

(b). Laws Of California.

This Agreement is made in the State of California under the Constitution and laws of such State, and shall be construed and enforced in accordance with the laws of California.

(c). Fiscal Year.

For the purposes of this Agreement, the "fiscal year" shall mean the period from July 1 of each year to and including the following June 30.

(d). Consent Not Unreasonably Withheld.

Whenever in this Agreement any consent or approval is required the same shall not be unreasonably withheld.

Section 16. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.



(c). Fiscal Year.

For the purposes of this Agreement, the "fiscal year" shall mean the period from July 1 of each year to and including the following June 30.

(d). Consent Not Unreasonably Withheld.

Whenever in this Agreement any consent or approval is required the same shall not be unreasonably withheld.

Section 16. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers hereunto duly authorized, their official seals to be hereto affixed as of the date first herein above written.

DATE: FEB 28 2001  
ATTEST: VIOLET VARONA-LUKENS  
EXECUTIVE OFFICER -  
CLERK OF THE BOARD OF SUPERVISORS  
By: [Signature] Deputy  
Clerk of the Board

COUNTY OF LOS ANGELES

By: [Signature]  
Mayor of the Board

APPROVED AS TO FORM:

LLOYD W. PELLMAN,  
County Counsel



**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

22

FEB 13 2001

By: [Signature]  
Principal Deputy County Counsel

[Signature]  
VIOLET VARONA-LUKENS  
EXECUTIVE OFFICER

\*\*\*\*\*

DATE: 2-23-01

CITY OF LOS ANGELES

ATTEST:



By: [Signature]  
General Manager, Community  
Development Department

By: [Signature]  
City clerk

APPROVED AS TO FORM:

JAMES K. HAHN,  
City Attorney

By: [Signature]  
Senior Assistant City Attorney

## Attachment B

### Homeless Governance and Organizational Structures: Municipal Models

## **Homeless Governance and Organizational Structures: Municipal Models**

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Coordinated efforts by municipal governments addressing homelessness issues are structured based on available resources and capacity to collaborate with other governmental bodies. Some cities appoint a single person to oversee their multi-department efforts, while others are reliant on coordinating committees to steer policy and decision-making responsibilities.

The following is a brief overview of examples detailing the varying governing structures municipalities' set-up to coordinate local services for their homeless populations, along with the Continuum of Care organizations created to be eligible for the NOFA funding process.

### **City of New York**

The City of New York coordinates all of their homeless initiatives and programming through a stand-alone unit – the Department of Homeless Services (DHS), headed by a Mayoral-appointed Commissioner with oversight of approximately 2,000 staff. The DHS is tasked mainly with the development of temporary shelters and transitional housing in addition to the management of the service provider-run shelter system in the city. The Commissioner falls under the direct purview of the Deputy Mayor for Health and Human Services, who holds a quarterly Interagency Taskforce on Homelessness meeting convened by the DHS Commissioner.

The New York City Coalition on the Continuum of Care – a coalition of homeless housing and shelter providers, consumers, advocates, and government representatives – was assembled to manage New York City's Continuum of Care process. The group organizes itself through committees with various responsibilities aimed at selecting the most competitive NOFA applicants.

### **City of San Francisco**

The City and County of San Francisco provide their consolidated homelessness services under the umbrella of the Human Services Agency (HSA). The HSA Commissioner oversees multiple departments charged with promoting well-being and self-sufficiency among individuals and families, including Housing and Homeless Services (HHS). The HHS director coordinates the emergency shelter, transitional housing, rental assistance, and other housing related programs.

Paralleling the City's standard shelter and housing efforts, the Mayor of San Francisco coordinates a variety of homeless-specific programs directly from his Cabinet Office – the Office of Housing Opportunity, Partnerships and Engagement (HOPE). HOPE serves as the Mayor's vehicle to raise specific issues and address his administration's priorities as it relates to homelessness. Under the direction of a Mayoral appointee, the HOPE Director is charged with administering the Mayor's

Fund for the Homeless (MFH), a private fund unrestrained by federal or state spending requirements created to support new initiatives to end homelessness.

The City of San Francisco's lead Continuum of Care agency is the Local Homeless Coordinating Board comprised on nine members appointed by the Mayor, Board of Supervisors, and a neutral party (City Controller).

### **City of Chicago**

Unlike the cities of San Francisco and New York, the coordination of homelessness planning in the City of Chicago is decentralized. The Chicago Planning Council on Homelessness (CPCH) is the governing body that drives policy and arranges priorities in the city. It's comprised of a 23-member council representing government entities (including representatives of the Mayor's Office), homeless service providers, consumers of homeless services, and philanthropic organizations. Among other charges, the CPCH selects applicants for HUD Continuum of Care NOFA Funding and oversees state homeless prevention funds.

Chicago's day-to-day shelter, housing, and emergency programs are administered by the Department of Family and Support Services (DFSS). The DFSS Commissioner is responsible for managing the city's warming and cooling centers, conducting well-being checks on at-risk residents, and providing transportation to shelters throughout the city.

The Chicago Alliance to End Homelessness is an initiative composed of nonprofits, foundations, businesses, philanthropists, and service providers operating as Chicago's lead Continuum of Care agency. Members of the Alliance to End Homelessness also serve on the Chicago Planning Council on Homelessness.

### **Salt Lake City**

Salt Lake City's strategy to assuage homelessness involves an extensive regional collaborative model known as the Homeless Services Site Evaluation Commission (HSSEC). The 30-member commission includes the participation of, among others, the mayors of Salt Lake City and county, the state Lieutenant Governor, state elected officials, homeless advocates, non-profits, and private sector representatives (chambers of commerce and developers). Salt Lake City's HSSEC is responsible for evaluating and producing a set of recommendations to the Salt Lake County Collective Impact detailing the allocation of homeless services in the Greater Salt Lake City Area.

The city's Homeless Service Coordinator, tasked with managing Salt Lake's emergency shelter, transitional housing stock and other support services, is attached to the Neighborhood Development Division under the city's Department of Community and Economic Development.

Salt Lake County is the coordinating agency responsible for the Continuum of Care process for Salt Lake and adjacent counties. Governed by an elected board that

includes government officials, homeless service providers and the business community,

The collective impact of shared services and resources between Salt Lake City and County makes it difficult to credit one government body for the decrease in homelessness in the region.