MINUTES OF August 1, 2024

MID-WILLAMETTE VALLEY HOMELESS ALLIANCE (MWVHA)
BOARD OF DIRECTORS AND ORS 190 ENTITY BOARD OF DIRECTORS JOINT MEETING
Hybrid meeting: MWVCOG Conference Room 100 High St SE, Salem, OR 97301 and via Zoom

MWVHA BOARD
MEMBERS PRESENT
CHAIR: Commissioner Jeremy Gordon, Polk County
VICE CHAIR: Mayor Chris Hoy, City of Salem
Councilor Micki Varney, City of Salem
Commissioner Danielle Bethell, Marion County
Mayor Cathy Clark, City of Keizer
Councilor Christopher Lopez, City of Monmouth
Councilor Shannon Corr for Councilor Kathy Martin-Willis, City of Independence
Jodi Blackman for Rhonda Wolf, CEO, United Way of the Mid-Willamette Valley
Christy Perry, former Superintendent representing the Salem-Keizer School District
Dan Clem, Executive Director, Union Gospel Mission
Renee Pfeffer, Navigator, Law Enforcement Assisted Diversion (LEAD)
Leilani Slama, Chief Communications and Community Relations Officer, Salem Health
Josie Silverman-Méndez, Deputy Director, Willamette Health Council
Zaira Flores Marin, PacificSource Community Solutions
Sarah Quick for Nicole Utz, Housing Administrator, Salem Housing Authority
Amber Brady for David Zepeda, Subject Matter Expert
Christine Sommer, MCHA, Co-Chair, CoC Collaborative Committee
Sarah White, Co-Chair, CoC Collaborative Committee
Jason Icenbice, Executive Director, Marion County Housing Authority (MCHA)
Eric Enderle, Veteran Services Officer, Polk County Veteran Services

MEMBERS ABSENT
Councilor Kathy Martin-Willis, City of Independence
Tribal Councilwoman Lisa Leno, Confederated Tribes of Grand Ronde
David Zepeda, Subject Matter Expert
Rhonda Wolf, CEO, United Way of the Mid-Willamette Valley
Christian Edelblute, Executive Director, West Valley Housing Authority
Jimmy Jones, Executive Director, MWVCAA
Nicole Utz, Housing Administrator, Salem Housing Authority

ORS 190 ENTITY BOARD
MEMBERS PRESENT
PRESIDENT: Commissioner Jeremy Gordon, Polk County

Mayor Chris Hoy, City of Salem
Commissioner Danielle Bethell, Marion County
Mayor Cathy Clark, City of Keizer
Councilor Christopher Lopez, City of Monmouth
Councilor Shannon Corr for Councilor Kathy Martin-Willis, City of Independence
Christy Perry, former Superintendent representing the Salem-Keizer School District

MEMBERS ABSENT
Tribal Councilwoman Lisa Leno, Confederated Tribes of Grand Ronde
Councilor Kathy Martin-Willis, City of Independence

STAFF AND GUESTS PRESENT
Elaine Lozier, MWVHA Executive Director
Elliott Lapinel
Jan Calvin, MWVHA Consultant
Linda Hansen, Mid-Willamette Valley Council of Governments (MWVCOG) Admin Support Coordinator
Lynelle Wilcox
Michael Livingston, Performance and Evaluation Committee
Bob Steringer, Attorney for MWVHA/ORS 190 Entity
Sam Dompier, CATP
Liesl Eckert
Breezy Poynor, MWVCAA
Julie Hoy

WELCOME
Chair Gordon called the joint meeting to order at 3:02 p.m. The presence of a quorum for the MWVHA and ORS 190 Board was noted.

ALLIANCE BOARD CONSENT AGENDA
Clem stated that he would like to pull the Agenda from the Consent Agenda and add an agenda item to form a Performance & Evaluation (P&E) Committee Task Force.
MOTION: By Clem, **SECONDED** by Bethell, to **REMOVE THE AGENDA FROM THE CONSENT AGENDA AND ADD AN AGENDA ITEM TO FORM A P & E COMMITTEE TASK FORCE.**
Discussion: None.
Motion carried.
IN FAVOR: Gordon, Hoy, Varney, Bethell, Clark, Lopez, Corr, Brady, Blackman, Perry, Clem, Pfeffer, Slama, Silverman-Méndez, Flores Marin.
OPPOSED: None. **ABSTAINED:** None.

MOTION: By Bethell, **SECONDED** by Clark, to **APPROVE 2 & 3 ON THE CONSENT AGENDA, AS PRESENTED.**

(2) 07-11-2024 joint board meeting minutes
(3) Appoint Lynelle Wilcox to the Coordinated Entry Committee. **Discussion:** None.
Motion carried.
IN FAVOR: Gordon, Hoy, Varney, Bethell, Clark, Lopez, Corr, Blackman, Perry, Clem, Pfeffer, Slama, Silverman-Méndez, Flores Marin.
OPPOSED: None. **ABSTAINED:** None.

ORS 190 ENTITY BOARD CONSENT AGENDA
MOTION: By Hoy, **SECONDED** by Corr, to **APPROVE THE CONSENT AGENDA, AS PRESENTED.**
(1) agreement with HUD accepting HMIS grant funds
(2) agreement with HUD accepting Planning grant funds
(3) amendment to contract with XenPay (Xenium) for insurance benefit administration services
(4) contract amendment extending the term of contract with C-Suite until September 30, 2024
Discussion: None.
Motion carried.
IN FAVOR: Gordon, Hoy, Clark, Lopez, Corr, Perry.
OPPOSED: None. **ABSTAINED:** None.

PUBLIC COMMENT
Elliott Lapinel provided Public Comments.
Sam Dompier provided Public Comments regarding HUD CoC concerns, the text of which is included at the end of the minutes.

COMMITTEE MEMBER REMOVAL RECOMMENDATION
Gordon outlined the process to consider the agenda item and covered the information in his memo. Livingston then offered comments and asked people to vote on the facts. His comments are included in full at the end of the minutes. Lozier then made some brief comments, stating that she would like to see an environment with mutual respect and collaboration.
MOTION: By Lopez, **SECONDED** by Clark, to **REMOVE MICHAEL LIVINGSTON FROM THE P&E COMMITTEE.**
Discussion: Clem asked attorney Steringer if censure was an option. Lozier stated that there had been bullying and intimidating behavior. Bethell shared that she felt that foundational documents are missing and having been prioritized by the board. Other comments were made by a number of the board members. Several stated that this topic wasn't good use of the group's time but that there is a duty to protect an employee. Clem wondered if he could make an amendment to the motion to censure Livingston, since the committee wasn't actively meeting. Lopez declined the amendment.
Motion failed.
IN FAVOR: Gordon, Hoy, Clark, Varney, Lopez, Corr, Perry, Clem, Silverman-Méndez.
OPPOSED: Brady, Bethell, Flores Marin, Slama, Blackman. **ABSTAINED:** Pfeffer.

MOTION: By Bethell, **SECONDED** by Clem, to **DRAFT A LETTER OF CENSURE TO MICHAEL LIVINGSTON.**
Discussion: It was proposed that an attorney be consulted about the language in the letter.

Motion carried.
IN FAVOR: Gordon, Hoy, Varney, Bethell, Clark, Lopez, Corr, Brady, Blackman, Perry, Clem, Pfeffer, Slama, Silverman-Méndez, Flores Marin.
OPPOSED: None. **ABSTAINED:** None.

HUD NOTICE OF FUNDING OPPORTUNITY (NOFO)
Lozier shared that the NOFO will now take place every other year. HUD normally funds existing projects at about 92% so the board would need to consider whether to fully fund renewal projects and whether to utilize funds to fully fund renewal projects and whether to utilize remaining new or expansion funds to increase the HMIS and CE grants. CE, HMIS and NOFO are all done by the Continuum of Care. Questions were raised about the cost of HMIS and where the organization was with the data collection positions. Lozier stated that she would like to close a future funding gap of $431,000.
MOTION: By Clem, **SECONDED** by Bethell, to **HAVE THE NOFO RFP INCLUDE INCENTIVES FOR COLLABORATIVE AND JOINT APPLICATIONS.**
Discussion: Calvin asked how a joint application would be defined. Lozier suggested changing the weight of the scoring tool for collaboration.
AMENDMENT By Clem **TO REMOVE THE JOINT APPLICATION FROM THE MOTION AND PROVIDE MORE INCENTIVES FOR COLLABORATION AND TO FUND NEW PROJECTS.**
Discussion: Lozier asked for clarification on whether the motion meant to favor new projects over sustained projects. Clark preferred tried and true projects. Lozier suggested a special meeting to finalize direction on the NOFO, though deferring to the Executive Committee could be another option.
MOTION REMOVED by Clem.

CREATION OF TASK FORCE TO MAKE RECOMMENDATIONS ON THE FUTURE OF THE P & E COMMITTEE
This agenda item was added at the beginning of the meeting at the request of Clem.
MOTION: By Clem, **SECONDED** by Brady, to **CREATE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE FUTURE OF THE P & E COMMITTEE.**
Discussion: None.
Motion carried.
IN FAVOR: Gordon, Hoy, Varney, Bethell, Clark, Lopez, Corr, Brady, Blackman, Perry, Clem, Pfeffer, Slama, Silverman-Mendez, Flores Marin.
OPPOSED: None. **ABSTAINED:** None.

JURISDICTIONAL/ORGANIZATION UPDATES
None

OTHER BUSINESS
Bethell requested a review of the June 13 Budget Meeting due to proxies for Hoy, Gordon and Lopez not being named ahead of time which would appear to be a violation of the bylaws. She would like to see an attorney attend the meeting or more training on parliamentary procedures for staff. She also felt that the chair should gavel in and out between Alliance and ORS 190 Entity

business. Gordon said that as president, the parliamentary errors were on him and that he would address those issues and revisit how to determine conflict of interest. Lopez requested that the minutes state that the bylaws errors mentioned were assertions and not verified.

Zoom chat conversation from August 1 meeting.

Elaine Lozier
01:14 EL
Hello- we will begin shortly. We are having technical difficulties
Elaine Lozier
27:06 EL
Apologies for the tech issues today!
Elliott Lapinel
46:28 EL
I would be happy to respond
Christy Perry
47:05 CP
I don't have a way to raise my hand for some reason - I have a question.
1
Marion County
47:44 MC
Christy I will notify the chair
Zaira Flores Marin
55:48 ZF
Please have the chair repeat the motion
It's hard to hear
Michael Livingston, Chair
56:17 ML
The Charter "require[s] a 2/3 vote of the appointed, voting membership" to remove a member of a standing committee. (Article II, E, 1, e)
Councilor Shannon Corr, Independence
56:33 CS
Zara - Dan's amendment will have to come after we vote on the motion already on the floor.
Elliott Lapinel
01:06:46 EL
Mayor Clark I would like to answer your question regarding 'obsession' that appeared to be directed to me.
Elliott Lapinel
01:10:36 EL
I'd also like to continue this point: there are adopted CE policies and procedures that the Alliane is in violation of. I know this from personal knowledge. That might be the cause of the 'obsession' referred to.
Jan Calvin
01:34:03 JC

Coordination and collaboration is an item on the scoring tools.
Jan Calvin
01:44:49 JC
In the past three years, the new grants were in the range of $39,000-$150,000
Christy Perry
01:44:54 CP
I have a question
Christy Perry
02:00:23 CP
Dan's motion - then we wouldn't be funding the continuation of HMIS etc.
Elaine Lozier
02:00:52 EL
Christy, I see you! One moment
Jodi Blackman-United Way of the Mid Willamette Valley
02:03:49 JB
I have to get off to go to another meeting. Just wanted to note in case there is another vote. Thanks!

Public Comments from Elliott Lapinel

After more than 365 business days since I first told you about problems with the housing report, and more than 150 days since Chair Gordon decided Michael and I should be terminated from the P&E Committee, you have a written statement of reasons. I am of course talking about his July 10 Memo. In that Memo, he continues with the hints, insinuations, and hearsay he began sharing four months ago, but to those he's added some factual allegations. Allegations that Michael has proved false. Allegations that Jeremy would have known were false if he had made the slightest attempt at an investigation–watched 10 minutes of an hour-long meeting, asked Elaine for details, or (god forbid) spoken to me or Michael.

Is this too harsh an assessment? Should I just say Jeremy's false statements were not knowingly false? That his Memo shows at most a reckless disregard for the truth? If he wants you to think that, then let him say so. Let Jeremy either defend his whole memo and baldly tell the Board that every piece of it is the truth as he knows it - or he should withdraw it entirely.

Jeremy has had Michael's response for an entire week. He knows or should know that he has no legitimate case against Michael. If he puts this Memo to you today, and asks you to terminate Michael from the P&E Committee, he is knowingly asking you to act on the basis of proven lies.

18 months ago, I came to the board as an entry level employee and the first and only person to report a problem with homeless youth and the housing list. I specifically sought Jeremy's support–not to punish anyone, not to embarrass them publicly. I just wanted the retaliation I was experiencing to stop. It didn't. Jeremy wants you to believe that this isn't personal, that he has some kind of high standard for collaboration, respect and inclusion. But it is personal, and it's not about collaboration, respect or inclusion. It's about shutting people up so they don't reveal problems.

Finally - the housing list is broken. From my formal whistle blow report in April '23 to my September presentation on the continuing violations - there was hardly any official

acknowledgment. But Michael heard my September presentation and continued to press until there was a full meeting in November - where it was not only agreed that there had been systematic violations of CE policy - but there was an official statement from Community Action, which I was a part of, that described the solution to the issue. That solution was never implemented.

I have recently been told the inevitable has begun again - clients are once again being removed, without their knowledge, or the knowledge of the broader provider community as a workaround solution to an unmanageable report.

Following CE policy is not optional. The rights of clients are being violated.

Public Comments from Sam Dompier

Thank you for considering my written comment, in follow up from my public comment at yesterday's Board meeting. I am submitting my concerns about the proposed RFP detailing the local competition for receiving HUD CoC / YHDP funds. My key areas of concern about the draft RFP are: 1) Inherent conflict of interest regarding the allocation of additional funds 2) Missed opportunity for provider collaboration in determining local priorities & how to sustainably resource CoC wide coordination projects.

RFP LANGUAGE

P. 64 CoC-SSO-CE and CoC-HMIS renewal and expansion projects are exempt from the competitive review and recommendations process. However, grant applications are still required.

P. 72 - Funding Amounts. HUD designates the level of funding for each renewal project (Annual Renewal Demand, ARD), which is typically 92%-93% of what is required to maintain the same level of service. In the past three years, the R&R Committee has recommended, and the CoC has elected to recommend using funding available for bonus projects (local priorities) to fund the 6%-7% gap, so renewal projects can be fully funded.

Rather than leave this decision to the R&R Committee, the FY 2024 process will recommend using funds available for local priorities to fill the gap for CoC renewal projects.

In FY 2023, HUD added the concept of Expansion Grants, which allows a renewal project applicant to submit a new project application to add funds to a project to expand its current operations. The CoC will use this process to request additional funds for Coordinated Entry and HMIS. No other expansion grants will be considered this year. Notification of Preliminary Ranking.

P. 86 - COC-LED INFRASTRUCTURE PROJECTS. Renewals for the CoC-led infrastructure projects (Coordinated Entry System and Homeless Management Information System) will be exempt from the Review and Recommendations process and will be placed at the top of the final Projects List.

P. 88 - In FY 2023, HUD added the concept of Expansion Grants, which allows a renewal project applicant to submit a new project application to add funds to a project to expand its current operations. The CoC will use this process to request additional funds for Coordinated Entry and HMIS. No other expansion grants will be considered this year.

CONCERNS:

1. *Inherent conflict of interest regarding the allocation of additional funds.*

As the administrator of the RFP process, MWVHA has the responsibility to ensure an equitable and transparent local competition. The RFP, as it is written, explicitly favors projects now operated by MWVHA by not having to compete for funds as well as explicitly designating any additional funds from HUD to be allocated to their own projects. When the CE project was operated by a local provider, the provider and project had to compete in the competition for funding alongside the other projects. As a provider, participating in the local CoC competition is one of the most rigorous application processes that I complete in a year's time frame. The RFP as it is currently structured subjects providers to an administratively burdensome competition and exempts the MWVHA from the rigors of the local competition, guaranteeing full funding for their projects regardless of performance.

In addition to exempting themselves from competing based on performance, the RFP explicitly states that any additional funding will be allocated to the projects operated by the Homeless Alliance. CoC funds are one of the ways that new providers can slowly build sustainability because they are relatively reliable and over time there are opportunities to fill in funding gaps with available bonus funds from HUD. Bonus funds for project expansion or new projects are generally allocated to high performing projects who score well in the competition. As it is written in the RFP, the Homeless Alliance is allocating any Bonus funds available from HUD to themselves, removing the opportunity for high performing existing projects or new projects to compete for those funds.

2. *Missed opportunity for provider collaboration in determining local priorities & how to sustainably resource CoC wide coordination projects*

I believe it is a shared goal to find sustainable funding strategies for key community coordination projects like Coordinated Entry and HMIS. I also believe that inviting CoC / YHDP providers into that conversation will result in creative ideas and solutions on gaps in the CoC program locally. Of particular concern is that all of the client-facing work of Coordinated Entry and HMIS is completed by providers without reliable funding to complete the work. If it is decided that any additional funding allocated from HUD will be awarded to the CE and HMIS projects, a clear plan of how to ensure providers who are tasked with actually doing the work of data entry and assessments are fairly compensated is necessary.

Thank you for your consideration of my concerns with the RFP as it is written. Please don't hesitate to reach out with any additional questions.

In Partnership,

Sam Dompier, MSW

Church at the Park Chief Development Officer

Committee Member Removal Recommendation: Michael Livingston's Statement in Full

Under the Alliance Charter, removal of a member of a standing committee is an extraordinary action. The Charter doesn't say what the process is, but because removal must be approved by a vote of two thirds of the Board's appointed members, it follows (1) that the evidence offered

to support the action must be objectively reliable and include all the relevant facts, (2) that the proof be clear and convincing and (3) that the process be fair. Here, Jeremy has been making up the process as he goes along, he failed to conduct a good faith inquiry before making these allegations, he chooses to ignore the complete factual record now available to him, and he has arbitrarily limited the time I can speak to you today to 5 minutes. The unfairness of this process alone would justify the Board's dismissal of his charges.

Jeremy's recommendation for my removal is based on misconduct he describes as "*bullying and intimidating*," which he purports to demonstrate with these 3 examples:

(1) That, at the P&E Committee meeting on February 6, 2024, I "*refused to recognize the Executive Director during the discussion about the HMIS license issue*."

(2) That, in an email sent to Ami Maciera, the P&E Chair on February 7, 2024, I "*reprimanded [her] for voting to abstain from a motion [I] advanced to grant the aforementioned HMIS license*" and "*went on to demand that [she] support the recommendation of the committee and work to ensure its fulfillment*."

(3) That, in an email sent to Elaine on February 21, 2024, I "*strongly reprimanded Elaine * * * for not fulfilling a P&E Committee recommendation* [i.e., the recommendation for an HMIS license] *within [my] preferred time frame.*

The other allegations in Jeremy's Memo are largely unattributed hearsay identifying no particular conduct and are, therefore, irrelevant to your considerations.

In the 3 specific examples he provides, Jeremy omits significant portions of the relevant emails, completely ignores other parts of the available record, relies on vague hearsay statements and embellishes his descriptions of the alleged misconduct with his own subjective characterizations – *e.g.*, "strongly reprimanded." Put simply, he has misrepresented what happened.

In the Answer, Affidavits and Exhibits that I have provided to the Board in response to his Memo, I have set out the full details and context of all the relevant facts, including emails and transcripts.

If you *have not* carefully read and considered the contents of those materials, you have a ***duty to abstain*** from voting on the removal question, because, without knowing the facts and understanding what really happened, you cannot make a principled decision.

If you ***have*** carefully read and considered those materials, you have a choice to make, and, given the current culture of the Board, it may be a difficult one for some of you – *i.e.*, whether to go along to get along, or, instead, to take the harder path and make an independent, principled decision based on the facts, without regard to what others might say or think about it. The question is whether Jeremy has provided clear and convincing proof of misconduct on my part that warrants my removal from the P&E Committee.

For the entire 4 ½ years that I have served on the Committee – including the period of these charges – I have told the unvarnished truth, I have been committed to developing the core elements of HUD's CoC model, I have worked diligently to carry out the Committee's obligations under the Charter, and I have advocated continually for the Committee's having the

data that the Committee needs in order to do that. The people in this community – and HUD – would be surprised to learn that what I've just described constitutes misconduct in the eyes of the Alliance Chair.

ADJOURNMENT

Hearing no further business, Chair Gordon adjourned the meeting at 5:21 p.m.

Jeremy Gordon, MWVHA Chair & ORS 190 Entity President — Date: 9-19-24

Attested:

Elaine Lozier, MWVHA Executive Director — Date: 9-19-24