

BOARD of SUPERVISORS



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MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Matt Dorsey, Chair
Rules Committee

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: February 6, 2023

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, February 7, 2023

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, February 7, 2023. This item was acted upon at the Rules Committee Meeting on Monday, February 6, 2023, at 10:00 a.m., by the votes indicated.

Item No. 28 File No. 221246

[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022, election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin – Aye
Supervisor Ahsha Safai – Aye
Supervisor Shamann Walton – Absent
Supervisor Matt Dorsey - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Anne Pearson, Deputy City Attorney

File No. 2211246

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Feb 6, 2023

Board of Supervisors Meeting

Date _____

Cmte Board

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Completed by: Victor Young Date Feb 2, 2023

Completed by: _____ Date _____

[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022 election, to provide that the Homelessness Oversight Commission (“Commission”) appoint all members of the Local Homeless Coordinating Board (“Coordinating Board”); that the Coordinating Board’s sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee (“Oversight Committee”) advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing’s strategic planning process.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background.

On November 8, 2022, the voters approved Proposition C, which established the Homelessness Oversight Commission to oversee the Department of Homelessness and Supporting Housing. One subsection of Proposition C, codified in Charter Section 4.133(h), requires the City to enact an ordinance to amend various provisions of the Administrative and

1 Business and Tax Regulations Codes to reflect changes to the duties, methods of
2 appointment, and reporting structures of several City bodies that advise on issues relating to
3 homelessness. The intent of this ordinance is to comply with the requirement set forth in
4 Charter Section 4.133(h).

5
6 Section 2. Regarding the Local Homeless Coordinating Board, the Administrative
7 Code is hereby amended by revising Article XXXI of Chapter 5, Sections 5.31-2 through 5.31-
8 4, to read as follows:

9
10 **SEC. 5.31-2. MEMBERSHIP.**

11 The Coordinating Board shall be comprised of nine members, appointed by the
12 Homelessness Oversight Commission (“Commission”) as follows:

13 (a) Seat 1 shall be held by ~~appointed by the Mayor and shall be~~ a homeless or formerly
14 homeless person.

15 (b) Seats 2 through ~~9~~4 shall be held by people who ~~appointed by the Mayor. The~~
16 ~~appointees shall~~ represent organizations or projects serving one or more of the following
17 homeless subpopulations in San Francisco: families with children; single adults; veterans; the
18 chronically homeless; unaccompanied youth; persons with HIV/AIDS; persons with substance
19 use disorders; the seriously mentally ill; and victims of domestic violence, dating violence,
20 sexual assault, and stalking. For purposes of this subsection (b) regarding Seats 2 through 9, o~~One~~
21 Board member may represent the interests of more than one homeless subpopulation.

22 ~~—(c) Seats 5 through 8 shall be appointed by the Board of Supervisors. The appointees shall~~
23 ~~represent one or more of the homeless subpopulations listed in subsection (b) of this Section 5.31-2.~~
24 ~~One Board member may represent the interests of more than one homeless subpopulation.~~

1 ~~—(d) Seat 9 shall be appointed by the Controller and shall represents one or more of the~~
2 ~~homeless subpopulations listed in subsection (b) of this Section 5.31-2. One Board member may~~
3 ~~represent the interests of more than one homeless subpopulation.~~

4 (c) All of the homeless subpopulations listed in subsection (b) ~~of this Section 5.31-2~~
5 must be represented on the Coordinating Board to the extent that someone is available and
6 willing to represent that subpopulation on the Board. At the time of appointment, the
7 ~~Commission~~~~appointing authority~~ shall identify the homeless subpopulation(s) represented by the
8 appointee.

10 **SEC. 5.31-3. ORGANIZATION AND TERMS OF OFFICE.**

11 (a) Each member of the Coordinating Board shall serve at the pleasure of the
12 ~~Commission~~~~member's appointing authority~~ for a term of four years, except as qualified in
13 subsections (a)(2) and (a)(4).

14 (1) The term of office for each of the seats on the Coordinating Board appointed by the
15 Commission shall commence on July 1, 2023, at noon.

16 (2) To provide for staggered terms, the members appointed to Seats 2, 4, 6, and 8 shall
17 serve for an initial term of two years starting at noon on July 1, 2023 and ending at noon on July 1,
18 2025; thereafter the term for Seats 2, 4, 6, and 8 shall be a four-year term, with the first such term
19 starting on July 1, 2025 at noon. The members appointed to Seats 1, 3, 5, 7, and 9 shall serve for an
20 initial term of four years starting at noon on July 1, 2023 and ending at noon on July 1, 2027, with the
21 next four-year term starting at that time.

22 (3) If the Commission does not appoint a member to a seat prior to the commencement
23 of the term on July 1, 2023, the member of the Coordinating Board in that respective seat shall remain
24 as a holdover in the seat until the Commission appoints a member to the seat; provided, however, that
25 the holdover member serves at the pleasure of the Commission.

1 (4) Notwithstanding subsection (a)(1), the Commission has discretion to appoint
2 members to seats on the Coordinating Board prior to July 1, 2023, to serve on the Coordinating Board
3 for whatever time remains between such appointment and July 1, 2023, at noon.

4 (5) Members of the Coordinating Board who are seated as of July 1, 2023 prior to the
5 commencement of the term at noon, may be appointed by the Commission for that term provided they
6 meet the qualifications for the seat to which the Commission appoints them.

7 (b) If a vacancy occurs in any seat on the Coordinating Board, the Commission
8 ~~appointing authority for the vacated seat~~ shall appoint a successor to that seat, to complete the
9 remainder of the term of the vacated seat.

10 (c) Members of the Coordinating Board shall receive no compensation.

11 (d) Any member who misses three regular meetings of the Coordinating Board
12 without the express approval of the Coordinating Board at or before each missed meeting
13 shall be deemed to have resigned from the Coordinating Board 10 days after the third
14 unapproved absence. The Coordinating Board shall inform the ~~appointing authority~~ Commission
15 of the resignation.

16 17 **SEC. 5.31-4. DUTIES.**

18 The Coordinating Board shall perform the following functions:

19 (a) Serve as the Continuum of Care governing body in accordance with applicable
20 U.S. Department of Housing and Urban Development ("HUD") rules and regulations, including
21 but not limited to 24 CFR Part 578 et seq., as amended. The Coordinating Board shall adopt,
22 and all members shall abide by, a written conflict of interest policy that complies with 24 CFR
23 ~~Part~~ Section 578.95(b), as amended.

(b) Advise the ~~Department of Homelessness and Supportive Housing on homeless policy and budget allocations.~~ Commission on issues relating to the City's participation in the Continuum of Care program.

Section 3. Regarding the Shelter Monitoring Committee, the Administrative Code is hereby amended by revising Article XII of Chapter 20, Sections 20.300, 20.303, and 20.304, to read as follows:

SEC. 20.300. FINDINGS.

The Board of Supervisors finds and declares the following:

(a) The City and County of San Francisco funds shelters and resource centers that serve homeless people; and

(b) There is a significant public interest in determining that the homeless shelters that the City funds are safe and sanitary, that the shelters' policies and procedures are fair and meet the needs of the clients accessing shelter services; that operators receiving City funds are complying with their contractual obligations to the City, and that shelter clients benefit from the expenditure of public funds; and

(c) The Mayor, the Board of Supervisors, the Homelessness Oversight Commission ("Commission"), established by Charter Section 4.133~~Local Homeless Coordinating Board~~, any future advisory body created by the City and County of San Francisco, and the public, among others, need to be able to access accurate and comprehensive information regarding shelters.

SEC. 20.303. PURPOSE.

The purpose of the Committee is to provide the Mayor, the Board of Supervisors, the Commission~~Local Homeless Coordinating Board~~, the public, and any other appropriate agency

1 with accurate, comprehensive information about the conditions in and operations of shelters
2 covered by this Article XII, as well as City policies in place that affect operations of shelters or
3 their impact on shelter clients.

5 **SEC. 20.304. POWERS AND DUTIES.**

6 The Committee shall have all of the powers and duties necessary to carry out the
7 functions of the Committee as follows:

8 * * * *

9 (b) Reports. The Committee shall prepare and submit quarterly reports that shall
10 include but not be limited to information on the following: safety in the shelter, cleanliness in
11 the shelter, disability access to and within the shelter, family life in the shelter, a review of
12 policies and procedures in place at the shelter, and any information received regarding the
13 treatment and personal experiences of shelter residents. In order to enable the Committee to
14 prepare reports required under this subsection (b), City departments that contract for services
15 at a shelter that is under review must respond within 15 days to any reasonable request for
16 information submitted by the Committee relative to the shelter or to City policies that affect
17 shelter clients. The reports shall also include recommended action steps for the shelter and
18 for the City department that contracts for services at the shelter. City departments and the
19 reports referenced in this subsection shall not identify shelter residents or disclose any
20 confidential information concerning shelter residents consistent with state and federal law.
21 The Committee may issue emergency reports at any time it deems necessary. The reports
22 shall be provided to: 1) the Mayor, 2) the Board of Supervisors, 3) the Commission~~Local~~
23 ~~Homeless Coordinating Board~~, 4) the appropriate City department responsible to take action, 5)
24 the City department that contracts for services at the shelter, 6) the shelter under review, and
25 7) the public. These reports shall be public documents. Any City department identified in the

1 report as responsible to take action recommended in the report shall, within 30 days of
2 issuance of the report, provide to the Board of Supervisors a departmental report setting forth
3 how the department intends to respond to the Committee's recommendations.
4

5 Section 4. Regarding the Our City, Our Home Oversight Committee, the Business and
6 Tax Regulations Code is hereby amended by revising Article 28, Section 2810, to read as
7 follows:
8

9 **SEC. 2810. DEPOSIT OF PROCEEDS; EXPENDITURE OF PROCEEDS.**

10 * * * *

11 (e) Our City, Our Home Oversight Committee.

12 (1) By February 28, 2019, the Board of Supervisors shall establish by ordinance
13 the Our City, Our Home Oversight Committee ("Oversight Committee") to make
14 recommendations to the Mayor, ~~and~~ the Board of Supervisors, the Health Commission, and the
15 Homelessness Oversight Commission to ensure that the Our City, Our Home Fund is
16 administered in a manner consistent with the provisions of this Section 2810.

17 (2) The purpose of the Oversight Committee shall be to monitor and make
18 recommendations in the administration of the Our City, Our Home Fund, to take steps to
19 ensure that the fund is administered in a manner accountable to the community and
20 consistent with the law, and to advise the Board of Supervisors, the Health Commission, and the
21 Homelessness Oversight Commission on appropriations from the Our City, Our Home Fund. As
22 part of this purpose, the Oversight Committee shall:

23 (A) Develop recommendations for prioritizing the use of funds appropriated from
24 the Our City, Our Home Fund;
25

1 (B) By December 31, 2019, and every three years thereafter, conduct a needs
2 assessment with respect to homelessness and Homeless populations, including but not
3 limited to an assessment of available data on subpopulations with regard to race, family
4 composition, sexual orientation, age, and gender served by the programs and expenditures
5 described in Section 2810(b)(3), and make annual recommendations about appropriations
6 from the Our City, Our Home Fund to the Board of Supervisors, the Health Commission, and the
7 Homelessness Oversight Commission consistent with that needs assessment, and such needs
8 assessment shall inform the Department of Homelessness and Supportive Housing's strategic planning
9 process;

10 (C) Promote and facilitate transparency in the administration of the Our City, Our
11 Home Fund.

12 (D) Promote implementation of the programs funded by the Our City, Our Home
13 Fund in a culturally sensitive manner.

14 * * * *

15
16 Section 5. Also regarding the Our City, Our Home Oversight Committee, the
17 Administrative Code is hereby amended by revising Article XLI of Chapter 5, Section 5.41-2,
18 to read as follows:

19
20 **SEC. 5.41-2. PURPOSES AND DUTIES.**

21 The Committee shall have the following purposes and duties:

22 (a) All the purposes and duties as set forth in Business and Tax Regulations Code
23 Section 2810(e)(1) and (2).
24
25

1 (b) Identify barriers to safe and successful exits out of homelessness, and propose
2 to the Board of Supervisors, ~~and the Mayor,~~ the Health Commission, and the Homelessness
3 Oversight Commission ways to reduce those barriers or the impact of those barriers.

4 (c) Solicit substantive input from people who are Homeless regarding spending
5 priorities. The Committee may seek this input through all appropriate means, including but not
6 limited to conducting surveys and focus groups, and coordinating with community
7 organizations that conduct outreach and/or provide services to Homeless people.

8 (d) Each needs assessment conducted in accordance with Business and Tax
9 Regulations Code Section 2810(e)(2)(B) shall be provided in the form of a written report within
10 the time frames there specified. The needs assessment specified in Section 2810(e)(2)(B)
11 shall include an assessment of the needs of Homeless people with disabilities, and the report
12 shall include an assessment of available data regarding the disability status of Homeless
13 people served by the programs and expenditures described in Business and Tax Regulations
14 Code Section 2810(b)(3). Each needs assessment shall be transmitted to the Department of
15 Homelessness and Supportive Housing to inform the Department's strategic planning process.

16 (e) In conjunction with each needs assessment report, at least 60 days before
17 issuing the report, the Committee shall provide a draft of the report to each City department
18 discussed in the report, and allow the department 30 days to provide a written response to the
19 Committee. The Committee shall include any such responses that it timely receives from
20 departments in the report.

21 (f) For purposes of this Section 5.41-2, the term "Homeless" has the same meaning
22 as in Business and Tax Regulations Code Section 2810(h)(1).
23

24 Section 6. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Henry L. Lifton
15 HENRY L. LIFTON
Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies]

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022 election, to provide that the Homelessness Oversight Commission (“Commission”) appoint all members of the Local Homeless Coordinating Board (“Coordinating Board”); that the Coordinating Board’s sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee (“Oversight Committee”) advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing’s strategic planning process.

Existing Law

Currently, the Mayor, Board of Supervisors, and the Controller appoint all members of the Coordinating Board. In addition to serving as the governing body of the federal Continuum of Care program, pursuant to 24 C.F.R. Part 578, the Coordinating Board advises the Department of Homelessness and Supportive Housing (“Department”) on homeless policy and budget allocations. The Shelter Monitoring Committee issues reports to the Mayor, Board of Supervisors, the Coordinating Board, appropriate City departments, the relevant shelter, and the public. Finally, the Oversight Committee makes recommendations to the Mayor and the Board of Supervisors.

Amendments to Current Law

The Proposed Ordinance would provide that the Commission appoint all members of the Coordinating Board and provide for staggered initial terms for Coordinating Board members starting July 1, 2023. The Coordinating Board would no longer advise the Department on homeless policy and budget allocations and instead serve only as the Continuum of Care governing body and report to the Commission on issues relating to the Continuum of Care program. The Proposed Ordinance would also require the Shelter Monitoring Committee to advise the Commission in lieu of the Coordinating Board. Finally, the Proposed Ordinance would provide that the Oversight Committee make recommendations to the Commission and the Health Commission, in addition to the Mayor and Board of Supervisors.

Background Information

On November 8, 2022, the voters approved Proposition C, which established the Homelessness Oversight Commission to oversee the Department. One subsection of Proposition C, codified in Charter Section 4.133(h), requires the City to enact an ordinance to amend various provisions of the Administrative and Business and Tax Regulations Codes to reflect changes to the duties, methods of appointment, and reporting structures of several City bodies that advise on issues relating to homelessness. The intent of this Proposed Ordinance is to comply with the requirements set forth in Charter Section 4.133(h).

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MATT DORSEY

MEMORANDUM

DATE: February 2, 2023

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Matt Dorsey 
Chairperson, Rules Committee

RE: Rules Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of The Rules Committee, I have deemed the following matters are of an urgent nature and request it be considered by the full Board on Tuesday, February 7, 2023, as a committee report.

221246 Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies

Ordinance amending the Administrative Code and Business and Tax Regulations Code as required by Proposition C, adopted at the November 8, 2022, election, to provide that the Homelessness Oversight Commission ("Commission") appoint all members of the Local Homeless Coordinating Board ("Coordinating Board"); that the Coordinating Board's sole duties are to serve as the governing body required to participate in the federal Continuum of Care Program and to advise the Commission on issues relating to the Continuum of Care; that the Shelter Monitoring Committee advise the Commission in lieu of the Coordinating Board; that the Our City, Our Home Oversight Committee ("Oversight Committee") advise and make recommendations to the Commission and the Health Commission; and that the Oversight Committee inform the Department of Homelessness and Supportive Housing's strategic planning process.

These matters will be heard at the regularly scheduled Rules Committee Meeting on Monday, February 6, 2023, at 10:00am.

BOARD of SUPERVISORS




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MEMORANDUM

Date: February 6, 2023

To: The Honorable Members, Board of Supervisors

From:  Angela Calvillo, Clerk of the Board

Subject: Administrative Code - Department of Homelessness and Supportive Housing (File No. 221246)

Board of Supervisors Rules of Order 2.21 establishes certain criteria that must be included in legislation creating and establishing, or reauthorizing, new bodies (boards/commissions/task forces/advisory bodies) and requires the Clerk of the Board to advise the Board on certain matters. In order to fulfill these requirements, the following is provided.

File No. 221246 *Administrative, Business and Tax Regulations Codes - Homelessness Oversight Commission and Related City Bodies*

On November 8, 2022, the voters approved Proposition C, which established the Homelessness Oversight Commission to oversee the Department. One subsection of Proposition C, codified in Charter Section 4.133(h), requires the City to enact an ordinance to amend various provisions of the Administrative and Business and Tax Regulations Codes to reflect changes to the duties, methods of appointment, and reporting structures of several City bodies that advise on issues relating to homelessness. The intent of this Proposed Ordinance is to comply with the requirements set forth in Charter Section 4.133(h).

- Does a current body address the same or similar subject matter?

Yes. Proposition C, passed by the voters on November 8, 2022, change the duties and composition of the Local Homeless Coordinating Board (LHCB).



- Language requiring the body to meet at least once every four months

Charter Section 5.31-5(a), entitled "Meetings and Procedures," states "The Coordinating Board shall hold a meeting not less than once every month."

- Language indicating members serve at the pleasure of the appointing authority

Page 3, line 11, Section 5.31-3(a), entitled "Organization and Terms of Office," states "Each member of the Coordinating Board shall serve at the pleasure of the Commission."

- Language establishing attendance requirements

Page 4, line 5, Section 5.31-3(d), entitled "Organization and Terms of Office," states "Any member who misses three regular meetings of the Coordinating Board without the express approval of the Coordinating Board at or before each missed meeting shall be deemed to have resigned from the Coordinating Board 10 days after the third unapproved absence."

- Number of seats and qualifications

Page 2, line 10, Section 5.31-2, entitled "Membership," states "The Coordinating Board shall be comprised of nine members, appointed by the Homelessness Oversight Commission (previously Four members are appointed by the Mayor, four by the Board of Supervisors, and one by the Controller)."

- *Seat 1 shall be held by a homeless or formerly homeless person.*
- *Seats 2-9 shall be held by person who represents organizations or projects serving one or more of the following homeless subpopulations in San Francisco: families with children; single adults; veterans; the chronically homeless; unaccompanied youth; persons with HIV/AIDS; persons with substance use disorders; the seriously mentally ill; and victims of domestic violence, dating violence, sexual assault, and stalking.*

- Term limits (i.e., commencement date? staggered terms?)

Page 3, line 11, Section 5.31-3(a), entitled "Organization and Terms of Office," states "Each member of the Coordinating Board shall serve at the pleasure of the Commission for a term of four years, except as qualified in subsection (a)(2) and (a)(4). The ordinance does not specify how many successive terms a member may serve."

- Administering department

The Department of Homelessness and Supportive Housing (DHS) would provide administrative support to the Coordinating Board.



- Reporting requirements

The Coordinating Board would serve as the Continuum of Care governing body in accordance with applicable U.S. Department of Housing and Urban Development ("HUD") rules and regulations. The Board would advise the Department of Homelessness and Supportive Housing on homeless policy and budget allocations.

On a semi-annual basis, the Coordinating Board provides a written report to the Board of Supervisors consisting of the following information: updates on the implementation of the Continuum of Care Plan and the Ten-Year Plan, the status of the integration and coordination of the Ten-Year Plan with the Continuum of Care Plan, the status of McKinney funding, a report from the Shelter Monitoring Committee and any other policy issues of which the Local Board wishes to inform the Board of Supervisors.

- Sunset date

These bodies are established by voter initiative; therefore, a sunset date is not appropriate since it will exist as long as the code authority enacted.