

AN ORDINANCE

99370

ADOPTING THE PUBLIC SERVICE PORTION OF THE 30TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$2,606,850.00 AS CONTAINED IN THE FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE PUBLIC SERVICE PORTION OF THE 30TH YEAR CDBG PROGRAM; DESIGNATING THE PUBLIC SERVICE PORTION OF THE 30TH YEAR CDBG PROGRAM FUNDS; APPROPRIATING 30TH YEAR CDBG PROGRAM FUNDS FOR PUBLIC SERVICE IN THE AMOUNT OF \$2,606,850.00; ALLOCATING PROGRAM FUNDS TO PUBLIC SERVICE PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS IN CONNECTION WITH THE PUBLIC SERVICE PORTION OF SAID 30TH YEAR CDBG PROGRAM; AND THE SUBMISSION OF THE PUBLIC SERVICE PORTION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides cities with annual grant support to enable the rehabilitation and economic development of their urban communities so as to improve conditions for low and moderate income citizens; and

WHEREAS, the City of San Antonio, through its Community Development Block Grant (CDBG) Program, has administered CDBG grant funds annually beginning with fiscal year 1974-1975 (Year 1), and continuing through fiscal year 2003-2004 (Year 29); and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2004-2005 CDBG Entitlement public service funds in the amount of \$2,606,850.00 will become available to the City on October 1, 2004; and

WHEREAS, as required by federal regulation, the Fiscal Year 2004-2005 Consolidated Plan Annual Budget was prepared, encompassing grant funds of the 30th Year CDBG, 13th Year HOME, 10th Year Emergency Shelter Grant and the 10th Year Housing Opportunities for Persons with AIDS Grant; and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, pursuant to applicable HUD regulations designed to ensure adequate citizen input, a public hearing is required in this instance; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on June 24, 2004, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the public service portion of the CDBG Budget as part of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget and to fund the 30th Year CDBG Program for public service on the City's books; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The public service portion of the Community Development Block Grant (CDBG) Program Budget of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. The public service portion of the Thirtieth (30th) Year Community Development Block Grant (CDBG) Program beginning October 1, 2004 and terminating September 30, 2005 is hereby authorized.

SECTION 3. Fund No. 28-030000 entitled, "COMMUNITY DEVELOPMENT BLOCK GRANT THIRTIETH YEAR" is hereby designated for use in accounting for the above grant and the total sum of \$2,606,850.00 is hereby appropriated in said fund for allocation to public service projects as set out in the detailed budget affixed hereto and incorporated herein for all purposes as Attachment I.

SECTION 4. The Deputy City Manager, all Assistant City Managers, Assistants to the City Manager, and the Housing and Community Development Director are hereby designated and authorized as representatives of the City Manager for the purpose of the public service portion of the CDBG program administration and communication with HUD.

SECTION 5. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by the U.S. Department of Housing and Urban Development (HUD) for award of the aforesaid entitlement funds.

SECTION 6. Subject to and upon award of the aforesaid grant funds for public service, the City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby

authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 7. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby directed to monitor all CDBG-funded public service project activities so as to assure compliance with goals and objectives adopted by City Council; substantial fiscal or programmatic changes thereto shall in all cases be approved by the City Council.

SECTION 8. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or the Housing and Community Development Director is hereby authorized and directed to carry out the administration of the public service portion of the 30th Year CDBG Program. Such administration shall include, but not be limited to, the execution of any and all contracts and other documents necessary in connection with the public service portion of the 30th Year CDBG Program, an example of which, is affixed hereto in substantially final form, and incorporated herein for all purposes as Attachment II, and the reaffirmation of any and all assurances required of the City by HUD.

SECTION 9. The Housing and Community Development Director is hereby authorized to execute any and all agreements with delegate agencies and/or City departments for each project delineated in Attachment I. Delegate Agency contracts and interdepartmental agreements are hereby required to contain acceptable detailed performance indicators for each project and the information for such contracts and agreements must be finalized by no later than November 1, 2004 in order to facilitate their execution. The Directors of the Housing and Community Development and Finance Departments are hereby authorized and directed to automatically cancel and move the full budget allocation provided to any project, including City Administration project allocations, for which acceptable performance indicators are not provided, or for which information for contract/interdepartmental agreement execution has not been received by the appropriate City department by November 1, 2004, to the CDBG Contingency Account in preparation for timely reprogramming to other eligible activities. Additionally, the Housing and Community Development Director is hereby authorized to cancel any project activity set-up in the HUD IDIS system for which no activity is evidenced for a forty-five (45) day period.

SECTION 10. The Director of Housing and Community Development is hereby authorized to cancel and reprogram any and all budget allocations provided to any project, in the event, any delegate agency contract and/or interdepartmental agreement is not executed by January 1, 2005.

SECTION 11. All public service projects in CDBG Entitlement Program funds for the 29th year with completed scopes of work are hereby closed and unexpended grant monies and program income in said funds are hereby authorized to be placed in the contingency fund in preparation for future reprogramming in compliance with City policies and HUD regulations.

SECTION 12. The Housing and Community Development Director is hereby designated the Program Manager for the CDBG Program. Further program responsibilities shall be as follows:

- (a) The Housing and Community Development Department shall administer and monitor all public service CDBG programs and fiscal activities and requests;
- (b) The Human Resources Department shall monitor all projects and sub-agencies as necessary for compliance with all equal employment opportunity rules, regulations, policies and laws;
- (c) The Department of Economic Development shall monitor all projects and sub-agencies as necessary for compliance with local, state and federal MBE-WBE rules, regulations, policies and laws;
- (d) The Community Initiatives Department shall monitor, where applicable, fair housing compliance and shall administer the handling and resolution of complaints related thereto;
- (e) The Department of Public Works shall monitor flood insurance and floodplain management compliance, shall conduct pre-construction conferences, and shall monitor Davis-Bacon compliance for all CDBG capital improvement projects;
- (f) The Office of the City Auditor shall accomplish fiscal and program compliance audits of the delegate agencies in the CDBG program in compliance with OMB A-133, and in coordination with the City's annual independent audit; and
- (g) The City Attorney's Office shall provide legal services including, but not limited to, contract and loan development and review and the preparation of legal opinions to resolve questions of regulatory application associated with the development and administration of HUD programs administered by the City's Department of Housing and Community Development.

SECTION 13. The personnel classifications and pay ranges set forth in Attachment I affixed hereto and incorporated herein for all purposes are hereby authorized for carrying out aspects of the approved public service portion of the 30th Year CDBG Program.

SECTION 14. The Finance Department is hereby authorized and directed in its payments to other agencies to follow drawdown procedures established by both the City of San Antonio and HUD whereby CDBG funds shall be drawn down prior to other funds in the case of multi-funded projects where not in conflict with other federal requirements. The Finance Department is further directed to ensure that prior to processing any and all fiscal requests related to Fund 28 CDBG accounts, each such request has received prior compliance review and approval by the Housing and Community Development Director, or his designated representative, and that such review and approval is indicated by their signatures or initials affixed to the fiscal request.

SECTION 15. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

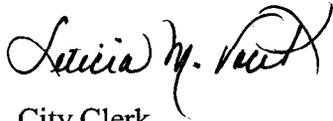
SECTION 16. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to complete all documents required by HUD to officially close projects and program financial records following completion of the contracted scope-of-work.

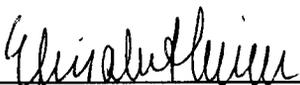
SECTION 17. This ordinance shall be effective on the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.


MAYOR
for EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM: 
for City Attorney