

HOUSING AUTHORITY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. HA- **1566**

DATE OF FINAL PASSAGE **SEP 25 2012**

A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF SAN DIEGO APPROVING THE THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO HOUSING COMMISSION FOR THE PROVISION OF HOMELESS SERVICES AND AUTHORIZING ITS EXECUTION BY THE SAN DIEGO HOUSING COMMISSION.

WHEREAS, on June 29, 2010, the Council of the City of San Diego and the Housing Authority of the City of San Diego authorized City staff and the San Diego Housing Commission (Commission), respectively, to execute that certain Memorandum of Understanding (MOU) to administer the City's homeless services; and

WHEREAS, the MOU became effective July 1, 2010 through June 30, 2012; and

WHEREAS, on June 27, 2011, the Council of the City of San Diego (City Council) adopted Resolution No. R-306884 and the Housing Authority of the City of San Diego adopted Housing Authority Resolution (HAR) No. 1527, approving the First Amendment to the MOU between the City and the Commission, which among other things, extended the term of the MOU until June 30, 2013; and

WHEREAS, pursuant to the MOU, among other things, the Commission administers the Neil Good Day Center, Veterans Winter Shelter, Cortez Hill Family Shelter, and Connections Housing; and

WHEREAS, the Commission's FY 2013 CDBG funding request for homeless services and programs (i.e. the Neil Good Day Center, Single Adult Winter Shelter, Veterans Winter Shelter, and Cortez Hill Family Shelter) amounted to a total of \$1,318,078; and

WHEREAS, the breakdown of this FY 2013 CDBG funding request from the Commission consisted of \$205,902 for the Cortez Hill Family Shelter, \$562,176 for the two Winter Shelters, and \$550,000 for the Neil Good Day Center; and

WHEREAS, by Resolution No. R-307656 and HAR No. HA-1564, the City Council and Housing Authority voted on July 31, 2012 to approve the Second Amendment to the MOU which, among other things, authorized the funding of the Neil Good Day Center for FY 2013 and extended the term of the Original MOU until June 30, 2014; and

WHEREAS, to ensure future funding for the operation of the Neil Good Day Center, Commission and City staff are seeking a waiver of paragraph 16 of Council Policy 700-02 from the City Council in order to have future Community Development Block Grant (CDBG) funding set aside off the top from each of the City's fiscal year allocations from HUD in a total amount not to exceed \$1,318,078 to cover the expense of operating and overseeing the operation of the Neil Good Day Center, Cortez Hill Family Shelter, Veterans Winter Shelter, and Connections Housing Interim Bed Program without requiring any matching funds; and

WHEREAS, the Consolidated Plan Advisory Board at its meeting on July 11, 2012 took a 4-2 vote recommending against automatically setting aside a portion of each of the City's fiscal year allocations of Community Development Block Grant (CDBG) funding from HUD to pay for the cost of operating the Neil Good Day Center and the other homeless programs administered by the Commission; and

WHEREAS, an action item essentially identical to this one was taken before the City Council as part of the action before the City Council on July 31, 2012, but despite a City Council vote in favor by a four to three margin of setting aside future funding as set forth in the foregoing recital the item failed for lack of five votes in favor; and

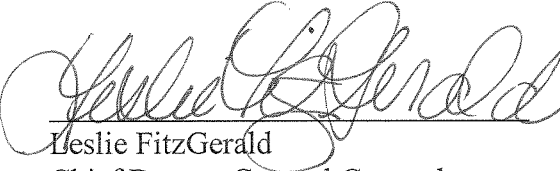
WHEREAS, upon City Council approval, if any, of the Third Amendment to the MOU which would allow City staff to automatically set aside such available future public services CDBG funding from HUD to cover the cost of operating the Neil Good Day Center, Cortez Hill Family Shelter, Veterans Winter Shelter, and Connections Housing Interim Bed Program, Commission and City staff seek the approval of the Housing Authority for the Commission to execute the Third Amendment to the MOU; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority of the City of San Diego, as follows:

1. That the Third Amendment to the MOU between the City and the Commission in the form attached to Housing Authority Report, HAR 12-041 is approved.
2. That the San Diego Housing Commission President and Chief Executive Officer or a designee is authorized to execute the Third Amendment to the MOU, in the form attached to Housing Authority Report, HAR 12-041.

3. That so long as the only future change to the MOU is an amendment renewing the term of the MOU, that renewal may be executed by the San Diego Housing Commission President and Chief Executive Officer or a designee. Should either party propose additional changes, those changes shall be subject to approval of the Housing Authority of the City of San Diego.

APPROVED: JAN I. GOLDSMITH, General Counsel

By 
Leslie FitzGerald
Chief Deputy General Counsel

LAF/KRS:nja
09/07/12
Or.Dept:SDHC
Companion to: R-2013-129
Doc. No. 427879_2

**THIRD AMENDMENT
TO THE MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SAN DIEGO
AND
SAN DIEGO HOUSING COMMISSION
FOR THE PROVISION OF HOMELESS SHELTER AND SERVICES**

This Third Amendment to the Memorandum of Understanding between the City of San Diego, a municipal corporation (City) and the San Diego Housing Commission, a public agency (Commission), shall become effective upon signature of both parties.

RECITALS

WHEREAS, on June 29, 2010, by Resolution No. R-305962, the Council of the City of San Diego (City Council) authorized the execution of that certain Memorandum of Understanding transferring responsibility for operation of the City's shelter and services for homeless persons from the City to the Commission effective July 1, 2010 through June 30, 2012 (Original MOU); and

WHEREAS, on June 27, 2011, the City Council adopted Resolution No. R-306884 and the Housing Authority of the City of San Diego (Housing Authority) adopted Housing Authority Resolution (HAR) No. 1527, approving the First Amendment to the MOU between the City and the Commission extending the term of the Original MOU until June 30, 2013; and

WHEREAS, the City appropriated \$550,000 in revenue from the General Fund for the operation of the Neil Good Day Center in the Fiscal Year 2013 Appropriations Ordinance; and

WHEREAS, by Resolution No. R-307656 and HAR No. HA-1564, the City Council and Housing Authority voted on July 31, 2012 to approve the Second Amendment to the MOU which, among other things, authorized the funding of the Neil Good Day Center for FY 2013 and extended the term of the Original MOU until June 30, 2014; and

WHEREAS, to ensure future funding for the operation of the Center, Commission and City staff are seeking a waiver of paragraph 16 of Council Policy 700-02 in order to have future Community Development Block Grant (CDBG) funding set aside off the top from each of the City's fiscal year allocations from HUD to assist in covering the expense of operating and overseeing the operation of the Neil Good Day Center, Cortez Hill Family Shelter, Veterans Winter Shelter, and Connections Housing Interim Bed Program without requiring any matching funds; and

WHEREAS, the Commission's CDBG funding request to the City in FY 2013 for the above-referenced homeless services and programs that the Commission administers on behalf of the City was in the amount of \$1,318,078; and

IN WITNESS WHEREOF, this Third Amendment is executed by the City of San Diego, acting by and through its Mayor or his designee, pursuant to San Diego City Charter Section 265 authorizing such execution, and by the Commission.

I HEREBY CERTIFY that I can legally bind the San Diego Housing Commission and that I have read all of this Third Amendment this _____ day of _____, 20__.

SAN DIEGO HOUSING COMMISSION

CITY OF SAN DIEGO

By: _____
Richard C. Gentry
President & Chief Executive Officer

By: _____
Jeffrey Baer
Director of Purchasing & Contracting

Date: _____

Date: _____

I HEREBY APPROVE the form and legality of the foregoing Amendment this _____ day of _____, 20__.

SAN DIEGO HOUSING COMMISSION

By _____
Charles B. Christensen
Christensen & Spath LLP

I HEREBY APPROVE the form and legality of the foregoing Amendment this _____ day of _____, 20__.

JAN I. GOLDSMITH, City Attorney

By _____
Kenneth R. So
Deputy City Attorney

Passed and adopted by the Housing Authority of the City of San Diego on September 25, 2012
by the following vote:

	Yeas	Nays	Excused	Not Present
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

Anthony Young

Chair of the Housing Authority
of the City of San Diego, California

[seal]

Richard C. Gentry

Executive Director of the Housing Authority
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. 1566 passed and adopted by the Housing Authority of the City of San
Diego, California on September 25, 2012.

By:

Pari Ryan

Deputy Secretary of the Housing Authority
of the City of San Diego, California