

RESOLUTION NUMBER R- 290511

ADOPTED ON JUL 28 1998

A RESOLUTION TO APPROVE A CONTRACT TRANSFERRING DELEGATION OF ADMINISTRATION OF THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM (HOPWA) TO THE COUNTY OF SAN DIEGO AND TO MODIFY AND RESCIND CERTAIN PRIOR DELEGATIONS TO THE SAN DIEGO HOUSING COMMISSION AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE COUNTY AND THE SAN DIEGO HOUSING COMMISSION TO TRANSITION THE ADMINISTRATION OF THE HOPWA PROGRAM TO THE COUNTY IN ACCORDANCE WITH THE TERMS OF THE HOPWA CONTRACT.

WHEREAS, The City of San Diego (City), as HOPWA grantee, delegated HOPWA administration to the San Diego Housing Commission (the Commission) on March 1, 1993, by Resolution No. R-281614. and on July 5, 1994, by Resolution No. R-282212; and

WHEREAS, the City, on May 1, 1995, approved the City of San Diego Consolidated Plan which authorized the Executive Director of the Commission to administer and implement the HOPWA Program activities; and

WHEREAS, the City, on July 24, 1995, by Resolution No. R95-1914, authorized the redistribution of the HOPWA budget for Cycle III funds; and

WHEREAS, the City, on April 29, 1996, by Resolution No. R-287240, confirmed the delegation of administration, planning coordination, operation and implementation of all HOPWA activities to the Commission; and

WHEREAS, the City, on April 29, 1996, by Resolution No. R-287240, delegated to the Executive Director of the Commission all authority to execute all documents necessary convenient on behalf of the City concerning the implementation of and receipt of funding for the

HOPWA Program; and

WHEREAS, the Housing Authority of The City of San Diego (the Authority), on April 23, 1996, by Resolution No. 00836 confirmed the delegation of administration, planning coordination, operation and implementation of all HOPWA activities to the Commission; and

WHEREAS, the Authority, on April 23, 1996, by Resolution No. 00836, delegated to the Executive Director of the Commission all authority to execute all documents necessary or convenient on behalf of the City concerning the implementation and receipt of funding for the HOPWA Program; and

WHEREAS, the Commission and the County of San Diego (the County) entered into Memoranda of Understandings concerning the distribution of Cycle II HOPWA funds on May 27, 1993, Cycle III HOPWA funds on August 1, 1994, the Cycle IV Funds on July 12, 1996, and the Cycle V Funds in 1998; and

WHEREAS, the City, the Commission and the County desire to redefine the rights, duties and obligations of the parties concerning the HOPWA Program, as referenced in a contract to be entered into between the parties, as referenced in the HOPWA Contract dated August 11, 1998; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. Upon the approval of the HOPWA Contract dated August 11, 1998 by the County of San Diego, the City Manager is authorized to execute the HOPWA Contract on behalf of the City.
2. The Commission is authorized to take such actions as are necessary and convenient to implement the transition of the implementation and operation of the HOPWA Program to the County in accordance with the terms of the HOPWA Contract, including the HOPWA Tenant

Based Rental Assistance Program.

3. The Commission is authorized in accordance with HOPWA Program regulations, to continue to request HOPWA funds through the HUD IDIS electronic system until October 1, 1998 or such later date as HUD grants approval for the County to make such fund requests directly to HUD, pursuant to HOPWA regulations. If by October 1, 1998, HUD has not approved such direct funding requests by the County, Commission shall retain the obligation to make such requests through the HUD IDIS electronic system until the County has been approved by HUD, and the Commission shall be relieved of its obligations to make such HUD IDIS electronic transfer requests after such HIJD approval.

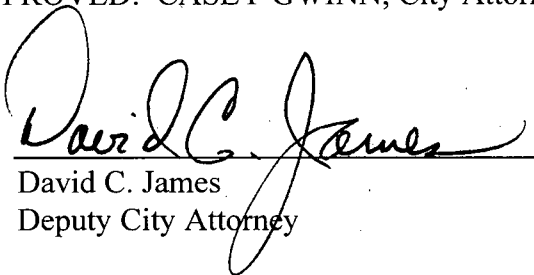
4. The Executive Director of the San Diego Housing Commission is hereby authorized to make such payments for administrative services to the County, City and the Commission as are set forth in the HOPWA Contract at the times and upon the terms set forth in the HOPWA Contract, until the Commission is relieved of its obligations to request funds. Thereafter, the City and/or County, as appropriate, shall make such payments.

5. The Executive Director of the San Diego Housing Commission and the City Manager are authorized to take such actions as are necessary and convenient to carry out the terms of the HOPWA Contract including the orderly transition of operations from the Commission to the County, and including, but not limited to, responsibilities and duties of implementation of HOPWA funding cycles, III, IV, V, VI and VII and any and all future HOPWA formula allocations for the San Diego Region. The Executive Director of the Commission is authorized to execute such contracts, assignments and documents as are necessary, on behalf of the Commission, including HOPWA pending projects, to implement the terms of the HOPWA Contract, including the HOPWA Tenant Based Rental Assistance Program, and to ensure the

timely implementation of the HOPWA Contract.

6. This Resolution shall take effect upon the approval of the HOPWA Contract by the County. When this Resolution becomes effective, all prior delegations of rights and duties to the Commission, to the extent inconsistent with the HOPWA Contract, shall be rescinded. If the County fails to approve the HOPWA Contract, then this Resolution shall have no further force and effect and the Commission shall assume the obligations as the HOPWA grantee and Sponsor.

APPROVED: CASEY GWINN, City Attorney

By 
David C. James
Deputy City Attorney

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