

(R-2009-94)  
(REV. COPY)

RESOLUTION NUMBER R- 304011

DATE OF FINAL PASSAGE AUG 06 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROACTIVE CODE ENFORCEMENT ACTIVITIES CONDUCTED BY THE NEIGHBORHOOD CODE COMPLIANCE DIVISION IN FY 2009 AND APPROVING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, on May 6, 2008, The San Diego City Council [Council] adopted Resolution No. R-303662, in which the Council, among other things:

a. authorized the City Auditor and Comptroller to accept CDBG funds in the amount of \$14,852,521 from the U.S. Department of Housing and Urban Development for the City's FY 2009 Community Development Block Grant [CDBG] Program;

b. approved the funding allocations and recommendations for the City's FY 2009 CDBG Program, set forth in Report to the City Council No. 08-070, a copy of which is on file with the Office of the City Clerk as Document No. RR-303662, as modified in the resolution, including the following:

- i. an allocation by Council District 3 to the City of San Diego, Neighborhood Code Compliance Division [NCCD] in the amount of \$113,667.31 for Proactive Code Enforcement – D3;
- ii. an allocation by Council District 4 to NCCD in the amount of \$100,000 for Proactive Code Enforcement – D4;

- iii. an allocation by Council District 7 to NCCD in the amount of \$17,000 for Proactive Code Enforcement – D7; and
- iv. an allocation by Council District 8 to NCCD in the amount of \$100,000 for Proactive Code Enforcement – D8.

c. authorized the City Auditor and Comptroller to appropriate and expend the CDBG funds for the Core City Priorities and those projects and programs approved for CDBG funding, except that such authority was not extended to the expenditure of CDBG funds in FY 2009 for code enforcement activities conducted by NCCD; and

d. directed City staff to return to the City Council in or before July 2008, at which time, the expenditure of CDBG funds in FY 2009 for code enforcement activities conducted by NCCD would be authorized upon a finding by the City Council that the City is in compliance with the CDBG eligibility requirements set forth in 24 CFR 570.202(c); NOW, THEREFORE,

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

1. That, based on the determination made by the City's Community Development Block Grant [CDBG] Program staff regarding Neighborhood Code Compliance Division's [NCCD's] compliance with the CDBG eligibility requirements for code enforcement activities set forth in 24 CFR 570.202(c), as stated in Report to the City Council No. 08-115, a copy of which is on file with the Office of the City Clerk as Document No. RR- 304011 [Report], the City Council hereby finds that NCCD is in compliance with the CDBG eligibility requirements for code enforcement activities set forth in 24 CFR 570.202(c).

2. That the City Comptroller is authorized to expend CDBG funds for code enforcement activities conducted by NCCD in FY 2009, including those allocations totaling \$330,667.31 to NCCD under Resolution No. R-303662, contingent upon certification of funds availability by the City Comptroller.

3. That the reprogramming of CDBG funds for Council Districts 3, 4, 6, 7, 8, and Citywide, as set forth in Attachment 1 to the Report, is hereby approved with the following modification, contingent upon certification of funds availability by the City Comptroller:

- a. **Agency Name:** City of San Diego, Redevelopment Agency  
**Project:** Barrio Logan Home Rehabilitation  
**Modification:** \$100,000 is returned from this project to Council District 8 reserves.

4. That the Mayor, or his designee, is authorized to negotiate and execute agreements with those CDBG projects approved for funding under this resolution, contingent upon certification of funds availability by the City Comptroller.

5. That the City Comptroller is authorized to appropriate CDBG revenues and expenses for NCCD (Fund 100/Dept. 75) in the amount of \$224,943 for code enforcement activities.

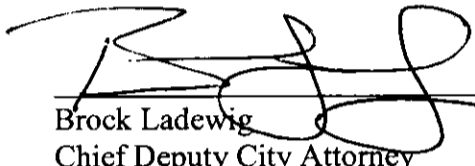
6. That the City Comptroller is authorized to appropriate and expend CDBG funds

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for those CDBG projects approved for funding under this resolution, contingent upon certification of funds availability by the City Comptroller.

APPROVED in reliance upon electronic mail from the United States Department of Housing and Urban Development, dated July 28, 2008, stating, "Per our conversation, the project sounds fine as long as the code enforcement activities are performed in eligible areas and additional programs exist to assist with the correction of violations of the cited properties."

MICHAEL J. AGUIRRE, City Attorney

By   
Brock Ladewig  
Chief Deputy City Attorney

BLL:MDN:nda  
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07/29/08 COR. COPY  
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Or.Dept: City Planning & Comm. Invest.  
R-2009-94  
MMS#6530

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 29 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 8.6.08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor