

DATE: July 29, 1985

TO: Rudy Ledesma, Program Director - REGY

FROM: City Attorney

SUBJECT: Wings of Freedom Request for Funds

In a memorandum dated July 23, 1985, you indicated that on Monday, July 22, 1985, the Rules Committee had directed the City Attorney's office and the City Manager's office to seek a method of responding in the affirmative to a request for funds by S.C.O.P.E. on behalf of Wings of Freedom. You also stated that the Rules Committee requested a response in time for the Council session on July 29, 1985. Attached to your memorandum was a proposed budget for the "New Wings of Freedom Summer Youth Program." In addition, this office received a copy of a memorandum dated July 18, 1985 from Councilman William Jones to Mayor Roger Hedgecock, concerning the "REGY Subcontract with S.C.O.P.E for Youth Gang Program." Councilman Jones' memorandum indicates that the San Diego County Organization of Private

Education (S.C.O.P.E.), in conjunction with the Wings of Freedom, has developed a summer employment program designed to provide employment for gang members and at the same time provide essential revitalization services to the community. The memorandum indicates that this proposed program would be funded under a subcontract granted by REGY to S.C.O.P.E on behalf of Wings of Freedom. The funding would allow the hiring of eight peer counselors and three coordinators. The proposed budget of \$13,490 is to be paid out of REGY funds provided through the Summer Youth Employment Program. These individuals would supervise a work crew of approximately twenty-five youth gang members who are already participating in the summer youth program funded by REGY.

The key issue is whether or not the proposed payments to Wings of Freedom via S.C.O.P.E. by REGY is a proper expenditure of funds under the Summer Youth Employment and Training Program. 29 U.S. Code Sec. 16, et seq. Expenditure of funds under the Summer Youth Employment and Training Program is authorized for a broad spectrum of activities. However, based on the materials submitted to this office by your department, it appears that the hiring of nine peer counselors and a support staff whose primary purpose is to deter gang activity and instill a sense of

responsibility for and pride in the community in which these individuals live would not be a proper expenditure of funds under the Summer Youth Employment and Training Program. 29 U.S. Code Sec. 1631, et seq.

29 U.S. Code Sec. 1632 provides that funds available under the Summer Youth and Training Program may be used for basic and remedial education, institutional and on the job training, work experience programs, employment counseling, occupational training, preparation for work, outreach and enrollment activity, employability assessment, job referral and placement, job search and job club activities and any other employment or job training activity designed to give employment to eligible individuals or prepare them for and place them in employment. Supportive services necessary to enable such individuals to participate in the program are also allowable costs. Individuals eligible under this program must be economically disadvantaged youths as defined in 29 U.S. Code Sec. 1503.

It would be extremely difficult to justify the expenditure of program funds on individuals who are ineligible participants and whose services will be used only to supplement existing support services. While providing peer counselling services to economically disadvantaged youths may be a desirable social program, it is not authorized under the provisions of 29 U.S.

Code 1632. Therefore, if The City of of San Diego desires to provide peer counseling for eligible enrollees in the Summer Youth Employment and Training Program, sources of funding other than the Summer Youth Employment and Training Program should be utilized.

JOHN W. WITT, City Attorney

By

John M. Kaheny

Deputy City Attorney

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