

49
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 4 Ordinance/Resolution# 11-174 Council District: N/A
 For Meeting of February 22, 2011
 (Adoption Date)

TITLE: A RESOLUTION DESIGNATING THE ASSISTANT CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE AND/OR CERTIFYING OFFICER FOR VARIOUS AGREEMENTS AND DOCUMENTS FOR ALL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS FOR THE CITY OF LAS CRUCES.

PURPOSE(S) OF ACTION: To allow the Assistant City Manager to complete and submit administrative documents for HUD programs.

Drafter and Staff Contact: David Dollahon <i>DD</i>		Department: Community Development		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Department Director	<i>DD</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The City is an entitlement community with the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) and HOME Investment Partnership Programs (HOME), as well as the Economic Development Initiatives, Supportive Housing Programs and other HUD Programs. Entitlement communities are those cities, counties, and states that automatically receive an allocation of CDBG and HOME funding each year based on a formula mandated by the U.S. Congress, assuming that the entitlement community is in compliance with all the applicable federal regulations related to the use and implementation of program funds.

Each program has various forms that require either an authorized representative (signature) or certifying officer to complete and/or submit to HUD. Examples include the yearly Action Plans, Request for Release of Funds, Environmental Certifications, Grant Agreements, Sub-recipient Agreements with outside agencies, and Mortgage Releases for the City's Home Rehab Program. Most, but not all of these forms, require the City Council's review and approval prior to submission to HUD.

In the past, staff has intermittently designated either the City Manager or the Mayor to complete the applicable documents once approved by Council, when necessary. This Resolution, if approved, would designate that all future forms be completed or submitted by the Assistant City Manager as the designated Authorized Representative and Certifying Officer for the City as it relates to activities involving HUD funds. In the absence of the Assistant City

Manager, this role would be filled in priority order by the (1) Acting Assistant City Manager, (2) City Manager, or (3) the Community Development Director.

SUPPORT INFORMATION:

1. Resolution

SOURCE OF FUNDING:

Is this action already budgeted?	Yes	<input type="checkbox"/>	See fund summary below
	No	<input checked="" type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution. Such action will designate the Assistant City Manager as the authorized signature for required documents and forms completed or submitted to HUD by the City.
2. Vote "No"; this will deny the Resolution. Such action will not designate the Assistant City Manager as the authorized signature for required documents and forms completed or submitted to HUD by the City and staff will either use the City Manager or the Mayor for such efforts.
3. Vote to "Amend"; with modifications. The modification would be based on Council's discretion and direction to staff and could include any other person that the Council deems appropriate.

4. Vote to "Table"; and direct staff accordingly.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

RESOLUTION NO. 11-174**A RESOLUTION DESIGNATING THE ASSISTANT CITY MANAGER AS THE AUTHORIZED REPRESENTATIVE AND/OR CERTIFYING OFFICER FOR VARIOUS AGREEMENTS AND DOCUMENTS FOR ALL U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS FOR THE CITY OF LAS CRUCES.**

The City Council is hereby informed that:

WHEREAS, the City of Las Cruces is an entitlement community for the Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, various documents require the signature of either an authorized representative or certifying officer to be executed between the City and HUD as it relates to the CDBG and HOME Programs, including but not limited to the Economic Development Initiatives, Supportive Housing Programs, and other HUD Programs provided to the City; and

WHEREAS, the City staff and HUD desire to have it clearly identified as to who the Authorized Representative or Certifying Officer is for all the documents between the City and HUD; and

WHEREAS, the Assistant City Manager, as the Chief Operating Officer of the City, should be designated as the Authorized Representative or Certifying Officer, as applicable, for all documents that must be submitted to or executed with HUD.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Assistant City Manager is hereby designated as the Authorized Representative or Certifying Officer, as applicable, for all HUD-related documents or matters of the City of Las Cruces, New Mexico. This includes all Council approved matters now, in the future, or previously approved, but unexecuted.

(II)

THAT the designated (1) Acting Assistant City Manager, (2) City Manager, or (3) the Community Development Director, in order, shall have the same authority as the Authorized Representative or Certifying Officer in the absence of the Assistant City Manager.

(III)

THAT the designation does not relieve the City staff from requiring the necessary City Council approval, where required, for agreements, grant submittals, grant approvals, and contracts directly with HUD or with other agencies using funding provided by HUD and such designation is limited to the Assistant City Manager as the designated person to be authorized to sign such documents on the City's behalf.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this _____ day of _____, 2011.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

Mayor Miyagishima: _____

Moved by: _____

Councillor Silva: _____

Seconded by: _____

Councillor Connor: _____

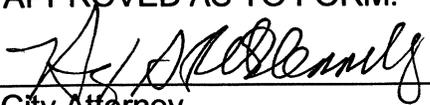
Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney