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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 Ordinance/Resolution# 10-113 Council District: N/A

For Meeting of October 19, 2009
 (Adoption Date)

TITLE: A RESOLUTION TO AMEND VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICES AGREEMENTS FOR PROGRAM YEARS (PY) 2008 AND 2009. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO EXECUTE THE NECESSARY AMENDMENTS ON THE CITY'S BEHALF. THE RESOLUTION FURTHER AMENDS THE CITY'S FY2010 ADOPTED BUDGET TO REFLECT THE ACTION ASSOCIATED WITH THIS RESOLUTION.

PURPOSE(S) OF ACTION: Amend the Community Action Agency PY2008 and the Families and Youth, Inc. PY 2009 Agreements for the CDBG Public Services Program and to amend the City's FY2010 Budget to reflect the amendments.

Name of Drafter: Jean Barnhouse-Garcia <i>JBG</i>		Department: Community Development <i>CD</i>		Phone: 528-3060	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>DW</i>	528-3066	Budget	<i>Richard D. ...</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>Jardner</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Two programs under the Community Development Block Grant (CDBG) Public Services program require amendments that must be approved by the City Council. The details on the two amendments are:

- 1) Community Action Agency – Individual Development Account Program (CAA-IDA): Approval is requested to amend the Program Year (PY) 2008 funding allocation with a reduction from \$25,000.00 to \$20,000.00. This \$5,000.00 reduction is being requested by Staff since CAA-IDA did not meet the requirements of the original agreement, such as:
 - a. By the end of the third quarter, CAA had not provided services to at least 25% of their project number to be served, and
 - b. Within the first six months of the agreement, CAA had not expended at least 40% of the funds allocated to the project.

Therefore, City staff has proposed that the funds be cut by \$5,000 to reflect CAA's lack of performance, but extends the Agreement through to June 30, 2010 to allow the program to be continued to completion.

- 2) Families and Youth, Inc. – Transitional Living Program (FYI): Staff is proposing to terminate the PY 2009 CDBG Public Services Agreement with FYI effective September 30, 2009. This request is based on the following occurrences that violated HUD's Conflict of Interest (24 CFR 570.611) policy:

(Continued on Page 2)

- a. A member of the Health and Human Services Advisory Committee (HHSAC) did not disclose his employment with Families and Youth, Inc., nor did this person abstain from the voting process for PY 2009 (See Attachment "D" - Minutes of HHSAC Meeting of 3/18/2009), and FYI was subsequently granted a PY 2009 CDBG Public Services Agreement in the amount of \$21,876.00, based on the recommendations of the HHSAC to City Council (See Attachment "E" - Resolution 09-259 of May 4, 2009).
- b. Due to the apparent conflict of interest by the FYI employee/HHSAC member, FYI's Agreement is being proposed by Staff to be terminated for the remainder of the Program Year (i.e. termination would be effective October 1, 2009).

A budget adjustment is attached to the Resolution to reflect the proposed amendments. The unexpended funds from both the CAA and FYI agreement amendments will be reviewed by Staff and processed through a formal Action Plan amendment. The Action Plan amendment will occur sometime between October 19th and November 30, 2009 and will require City Council approval.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
Community Development Fund (Fund 2000) 20184200-722190-10310 - CAA-IDA Program	\$ 10,000.00	\$10,000.00
20184240-722190-10312 - Families & Youth, Inc.	\$ 5,469.00	\$5,469.00 (Adjustment pending)

1. Resolution
2. Exhibit "A" – Amendment to the CDBG Public Services Agreement between Community Action Agency and the City of Las Cruces
3. Exhibit "B" – Amendment to terminate the CDBG Public Services Agreement between Families and Youth, Inc. and the City of Las Cruces as of September 30, 2009
4. Exhibit "C" – FY2010 Budget Adjustment
5. Attachment "D" – Minutes of March 18, 2009 HHSAC Meeting
6. Attachment "E" – Resolution 09-259 – May 4, 2009
7. Attachment "F" – 24 CFR 570.611

OPTIONS / ALTERNATIVES:

1. Vote "YES" and approve the Resolution. Such action reduces the overall CAA PY 2008 CDBG Public Services Agreement from \$25,000.00 to \$20,000.00, and terminates FYI's PY 2009 CDBG Public Services Agreement and reduces it to \$5,469, and amends the City's FY 2010 adopted budget.
2. Vote "NO" and deny the Resolution. Such action would continue the PY 2008 and PY 2009 Agreements, as is, for Community Action Agency and Families and Youth, Inc., respectively, and could jeopardize funding from HUD for the CDBG program in future years.

3. Modify the Resolution at the Council's discretion, then vote "YES" on the modified Resolution. Modification would be based on Council's discretion.
4. Table/Postpone the Resolution and provide direction to staff.

RESOLUTION NO. 10-113

A RESOLUTION TO AMEND VARIOUS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICES AGREEMENTS FOR PROGRAM YEARS (PY) 2008 AND 2009. THE RESOLUTION AUTHORIZES THE CITY MANAGER TO EXECUTE THE NECESSARY AMENDMENTS ON THE CITY'S BEHALF. THE RESOLUTION FURTHER AMENDS THE CITY'S FY2010 ADOPTED BUDGET TO REFLECT THE ACTION ASSOCIATED WITH THIS RESOLUTION.

The City Council is informed that:

WHEREAS, an amendment of the PY 2008 CDBG Public Services Agreement for Community Action Agency – Individual Development Account Program to reduce the funding allocation from \$25,000.00 to \$20,000 is requested since the agency did not meet Section I.D and Section III of their PY 2008 Agreement with the City of Las Cruces; and

WHEREAS, a termination of the PY 2009 CDBG Public Services funding for Families and Youth, Inc. – Transitional Living Program is requested effective September 30, 2009 since an undisclosed conflict of interest, as defined by HUD regulations 24 CFR 570.611, existed at the time of the recommendation for funding by the Health and Human Services Advisory Committee and approval of funding by City Council, thereby adversely affecting the agency's eligibility to receive PY 2009 CDBG Public Services funding; and

WHEREAS, the \$5,000.00 reduction of the Community Action Agency PY 2008 CDBG Public Services Agreement, and the \$18,230.00 remaining fund balance of the Families and Youth, Inc. PY 2009 CDBG Public Services Agreement are authorized for reallocation to other CDBG projects, as to be developed as a formal Action Plan amendment to be approved by the City Council at a future date.

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

(I)

THAT the PY 2008 CDBG Public Services Agreement between Community Action Agency for the Individual Development Account Program and

the City of Las Cruces for Program Year 2008, as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby amended.

(II)

THAT the PY 2009 CDBG Public Services Agreement between Families and Youth, Inc. for the Transitional Living Program and the City of Las Cruces for Program Year 2009, as shown in Exhibit "B," attached hereto and made part of this Resolution, is hereby terminated as of September 30, 2009.

(III)

THAT the City Manager of the City of Las Cruces is hereby authorized to sign the termination of the Agreement under this Resolution on behalf of the City of Las Cruces.

(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 _____, 2009.

APPROVED:

(SEAL)

Mayor

ATTEST:

VOTE:

City Clerk

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Moved by: _____

Councillor Archuleta: _____

Councillor Small: _____

Seconded by: _____

Councillor Jones: _____

Councillor Thomas: _____

APPROVED AS TO FORM:



City Attorney

**AMENDMENT TO THE PY 2008 COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) PUBLIC SERVICES AGREEMENT
BETWEEN THE CITY OF LAS CRUCES
AND
COMMUNITY ACTION AGENCY OF SOUTHERN NEW MEXICO**

THIS AMENDMENT is entered into on the _____ day of _____, 2009, by and between the City of Las Cruces, New Mexico, a municipal corporation organized under the laws of the State of New Mexico, hereinafter called "City," and Community Action Agency, a non-profit public organization, hereinafter called "Sub-recipient."

WHEREAS, Section II of the Agreement dated July 21, 2008, requires an extension to the period of performance.

WITNESSTH, the City and the Sub-recipient do mutually agree as follows:

- I. All items in the Agreement dated July 21, 2008 shall remain in full force and effect, excluding the following changes:
- II. Section IIA. Entitled "Term of the Agreement" is changed to read as follows:

"This Agreement shall start on July 1, 2008, or the date on which the United States Department of Housing and Urban Development releases funds to the City for Grant B-08-MC-35-002, whichever is later. The period of performance will continue for twenty four (24) months after the beginning date, but end no later than June 30, 2010."

IN WITNESS WHEREOF, the parties hereto do mutually execute this Amendment as of the date first written.

COMMUNITY ACTION AGENCY OF SOUTHERN NEW MEXICO

Name

Title

Date

CITY OF LAS CRUCES

APPROVED AS TO FORM:

Terrence Moore, City Manager

City Attorney

Date

Attest:

Esther Martinez, City Clerk
(SEAL)

TERMINATION OF THE PY 2009 COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PUBLIC SERVICES AGREEMENT BETWEEN THE CITY OF LAS CRUCES

AND

FAMILIES AND YOUTH, INC.

THIS TERMINATION OF AGREEMENT is entered into on the 5th day of October, 2009, by and between the City of Las Cruces, New Mexico, a municipal corporation organized under the laws of the State of New Mexico, hereinafter called "City," and Families and Youth, Inc., a non-profit public organization, hereinafter called "Sub-recipient."

WHEREAS, this Agreement is being terminated in accordance with Attachment "A" Section I.B. of the Agreement dated July 20, 2009, that describes the terms of Suspension or Termination of the Agreement.

WITNESSTH, the City and the Sub-recipient do mutually agree as follows:

- I. In accordance with 24 CFR 85.43, all items in the Agreement dated July 20, 2009 shall be terminated effective September 30, 2009;
- II. In accordance with Attachment "A", Section I.B. of the Agreement, the City and Sub-recipient mutually agree to waive the 30 day notice of the termination.

IN WITNESS WHEREOF, the parties hereto do mutually execute this Termination of Agreement as of the date first written.

FAMILIES AND YOUTH, INC.

Mickey Curtis Oct 5, 2009
Name Mickey Curtis Date

Clinical Director

Title

CITY OF LAS CRUCES APPROVED AS TO FORM:

Terrence Moore, City Manager City Attorney

Date

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

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FUND	DIVISION		FUND TYPE	
Community Development Fund 2000	Comm Dev		Special Revenue	
	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
RESOURCES				
Beginning Balance	\$ 11,877	11,878		11,878
REVENUES				
HR Non-Refunding Perf Bond 20180060-542301	\$ 3,000	10,000		10,000
CDBG Grant PY2009 20180270-551011	0	1,010,435		1,010,435
CDBG Grant PY2008 20180230-551011	443,802	522,067	15,000	537,067
CDBG Grant PY2007 20180210-551011	138,654	129,576		129,576
CDBG Grant PY2006 20180050-551011	227,587	161,093		161,093
CDBG Grant PY2005 20180040-551011	11,717	0		0
CDBG Grant PY2004 20180030-551011	39,926	10,185		10,185
CDBG Grant PY2002 20180010-551011	29,984	0		0
HOME Grant PY2009 20180280-551013	0	537,892		537,892
HOME Grant PY2008 20180240-551013	72,291	502,928		502,928
HOME Grant PY2007 20180220-551013	34,996	506,941		506,941
HOME Grant PY2006 20180120-551013	135,233	69,610		69,610
HOME Grant PY2005 20180110-551013	3,059	0		0
HOME Grant PY2004 20180100-551013	0	0		0
Interest Revenue CDBG 20180060-570115	15,000	10,000		10,000
Interest Revenue HOME 20180060-570116	2,000	15,000		15,000
Interest Revenue Home Rental Proj 20180060-570121	9,000	9,000		9,000
CDBG Pgm Inc (Principal) 20180060-581010	70,000	90,000		90,000
HOME Pgm Inc (Principal) 20180060-581011	19,000	11,000		11,000
Other Revenue - CDBG 5921110	150	0		0
Other Revenue - HOME 5921111	170	0		0
Total Revenues	\$ 1,255,569	3,595,727	15,000	3,610,727
Total Resources	\$ 1,267,446	3,607,605	15,000	3,622,605
EXPENDITURES				
HR Bond 20184130-722190	0	10,000		10,000
2009/10 CDBG				
Administration 20184240-XXXXX-10109	0	218,400		218,400
Rehabilitation Administration 20184240-XXXXX-10209	0	330,775		330,775
Public Services:				
La Casa-Laundry Fac Rehab 20184240-722190-10408	0	23,920		23,920
La Casa-Emer Shelter 20184240-722190-10305	0	36,068		36,068
MVCH-Homeless Oper 20184240-722190-10306	0	33,876		33,876
Jardin de los Ninos-on site Medical 722190-10307	0	13,876		13,876
Casa de Peregrinos-Food Bank 722190-10313	0	11,876		11,876
MV Court Appt Spec Advocates-Vol 722190-10314	0	20,276		20,276
Comm. Act. Agc - Sr. Therapeutic Mis 722190-10315	0	10,276		10,276
Comm. Act. Agc - Teen Parent Prog 722190-10316	0	11,876		11,876
FYI - Emerg Shelter Oper 20184240-722190-10312	0	21,876	(16,407)	5,469

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

EXHIBIT "C" CONTINUED

**CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010**

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FUND	DIVISION		FUND TYPE	
	Comm Dev		Special Revenue	
Community Development Fund 2000	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
Public Facilities/ADA/Public Improvements: Jefferson Road 20184240-854121-70M70	0	377,340		377,340
2008/09 CDBG				
Administration 20184200-XXXXX-10108	155,927	45,534		45,534
Rehabilitation Administration 20184200-XXXXX-10208	149,720	411,055		411,055
Public Services:				
Tresco ADA Van 20184200-722190-10311	41,000	0		0
La Casa 20184200-722190-10305	28,970	0		0
MV Comm of Hope 20184200-10306	53,750	0		0
CAA - IDA 20184200-13010	0	0	10,000	10,000
FYI - Emer/Trans Shelter 20184200-10312	14,435	0		0
Public Facilities/ADA/Public Improvements: MV Comm of Hope - Trns Hsg 20184200-722190-10405	0	65,478		65,478
2007/08 CDBG				
Administration 20184160-XXXXX-10107	35,866	0		0
Rehabilitation Administration 20184160-XXXXX-10207	103,297	0		0
Home Rehabilitation 20184160-722195-10207	0	29,576		29,576
2007/08 CDBG Continued				
La Casa 20184160-722190-10305	28,970	0		0
MVCH Family Shelter 20184160-722190-10306	53,750	0		0
Public Facilities/ADA/Public Improvements:				
Retention Pond (Stull) 20804080-854112-70M16	17,838	0		0
Branigan Library 20804080-854122-60Q03	17,252	0		0
MVCommunity of Hope Ph I 20804080-852100-61411	0	100,000		100,000
2006/07 CDBG				
Administration 20184110-XXXXX-10106	\$ 33,986	0		0
Rehabilitation Administration 20184110-XXXXX-10206	20,584	0		0
Home Rehabilitation 20184110-722196-10513	16,218	0		0
Public Facilities/ADA/Public Improvements:				
CAA Central Kitchen 20184110-722190-10406	156,799	161,093		161,093
2005/06 CDBG				
Home Rehabilitation 20184010-722196-10509	11,717	0		0
2004/05 CDBG				
Public Facilities/ADA/Public Improvements:				
Branigan Library ADA Imp 20804020-854122-60Q03	\$ 39,926	0		0
Rdmnr Transit Shelters/Benches 20184030-730210-60401	0	10,185		10,185
2002/03 CDBG				
Public Facilities/ADA/Public Improvements:				
Branigan Library 20804050-854122-60Q03	29,984	0		0
Total CDBG	\$ 1,009,989	1,943,356	(6,407)	1,936,949

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

EXHIBIT "C" CONTINUED

CITY OF LAS CRUCES
ADOPTED BUDGET FY 2009/2010

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FUND	DIVISION		FUND TYPE	
	Comm Dev		Special Revenue	
Community Development Fund 2000	FY 2008/09 Projected*	FY 2009/10 Adopted	Adjustment	FY 2009/10 Adjusted
2009/10 HOME				
Administration 20184255-XXXXXX-11109	0	53,000		53,000
CHDO - Alta Tierra 20184255-722190-11208	0	85,934		85,934
Alta Tierra 20184255-722190-11410	0	164,066		164,066
TBRA 20184255-722190-11409	0	104,892		104,892
Habitat-CHDO 20184255-722190-11307	0	14,000		14,000
TDS - CHDO 20184255-722190-11308	0	10,000		10,000
Habitat-Property 20184255-722190-11411	0	55,500		55,500
Tierra del Sol 20184255-722190-11412	0	85,500		85,500
2008/09 HOME				
Administration 20184210-XXXXXX-11108	48,193	0		0
CHDO Set aside 2008- MV Habitat 11206	0	19,100		19,100
CHDO Set aside 2008- Tierra del Sol 11207	0	51,438		51,438
CHDO Operating 2008- MV Habitat 11305	12,049	0		0
CHDO Operating 2008- Tierra del Sol 11306	12,049	0		0
Property Acq - 2008- MV Habitat 11406	0	102,295		102,295
Property Acq - 2008- Tierra del Sol 11407	0	274,305		274,305
Property Acq - 2008- Tierra del Sol 11408	0	55,790		55,790
2007/08 HOME				
Administration 20184170-XXXXXX-11107	63	0		0
CHDO Set aside MV Habitat 20184170-722190-11205	0	89,747		89,747
FYI Transitional Housing 20184170-722190-11402	0	375,000		375,000
FYI Transitional Housing 20184050-722190-11404	0	0		0
Tenant Based Rental Assist. 20184170-722190-11403	34,933	42,194		42,194
2006/07 HOME				
Administration 20184120-XXXXXX-11106	\$ 12,625	0		0
CHDO Set Aside 20184120-722190-11201	19,942	0		0
Property Acquisition 20184120-722190-11401	102,666	69,610		69,610
2005/06 HOME				
Stone Mtn (incl Reloc) 20184040-722190-11405	3,059	0		0
Total HOME	<u>245,579</u>	<u>1,652,371</u>	<u>0</u>	<u>1,652,371</u>
Total Expenditures	<u>\$ 1,255,568</u>	<u>3,595,727</u>	<u>(6,407)</u>	<u>3,589,320</u>
OTHER FINANCING SOURCES (USES)				
Transfer from Fund 2001 - HR Perf Bond	\$ 0	0		0
Total Other Financing Sources (Uses)	<u>\$ 0</u>	<u>0</u>	<u>0</u>	<u>0</u>
ENDING BALANCE	<u>\$ 11,878</u>	<u>11,878</u>	<u>21,407</u>	<u>33,285</u>

*Projected based on 8 months actual through February 28, 2009 and 4 months projected.

HEALTH AND HUMAN SERVICES ADVISORY COMMITTEE
March 18, 2009

Following are the summary minutes from the Health and Human Services Advisory Committee meeting held on Wednesday, March 18, 2009, at 6:00 p.m., at the City Hall Council Chambers, 200 N. Church, Las Cruces, New Mexico.

MEMBERS PRESENT: Hector Vega
Earl Nissen
Sue Patterson
David Telford
William Corbett
Mary Simmons

STAFF PRESENT: David Dollahon
Jean Barnhouse-Garcia
Diana Garcia-Parra (recording secretary)

MEMBER ABSENT: Kevin Kay

PUBLIC PRESENT: Merced Jasso (Border Fair Housing)
Shirley Jaquez (Jardin de los Ninos)
Amy Johnson (La Casa)
Mickey Curtis (FYI)
Mike Milam (Dona Ana Action for Youth)
Mario Prieto (CAA)
Carolyn Kuhn (CAA)
Gary Clute (MVCH)

I. CALL TO ORDER

Meeting was called to order by Hector Vega at 6:02 p.m.

II. ROLL CALL

David Dollahon called the roll of the HHSAC members and staff (above).

III. APPROVAL OF MINUTES

- A. February 25, 2009
- B. March 4, 2009

David Telford moved to approve the minutes.

Sue Patterson seconded.

1 All in favor. None opposed. Motion carried.

2
3 **IV. FINAL RANKING OF COMPOSITE SCORES FOR CDBG PUBLIC**
4 **SERVICES APPLICATION**

5
6 Mr. Dollahon went over the rankings handout with the committee.

7
8 Bill Corbett moved to accept the rankings per the handout.

9
10 Earl Nissen seconded.

11
12 All in favor. None opposed. Motion carried.

13
14 **V. FINAL APPROPRIATION OF FUNDING RECOMMENDATION**

15
16 Various options were presented and discussed by the committee members, they
17 included:

- 18
19 1) Funding the top 7 agencies at 50% of their funding request.
20 2) Funding the top 11 agencies at 30% of their funding request.
21 3) Funding the top 5 agencies at 50% of their funding request and the next
22 two at 27.10% of their funding request.
23 4) Fund the top 10 agencies at 35% of their funding request.
24 5) Fund the top 8 agencies at 40% of their funding request less \$124 to each
25 agency to meet the budgetary cap.

26
27 Bill Corbett moved to fund the top 8 agencies at 40% minus \$124 from each
28 agency, as follows:

29

30 Mesilla Valley Community of Hope	\$33,876.00
31 Casa de Peregrinos (food bank)	\$11,876.00
32 Jardin de los Ninos	\$13,876.00
33 Mesilla Valley CASA Inc.	\$20,276.00
34 La Casa Inc.	\$36,068.00
35 CAA – Senior Therapeutic Meals	\$10,276.00
36 Families & Youth Inc.	\$21,876.00
37 CAA – Teen Parent Program	\$11,876.00

38
39 Mary Simmons seconded.

40
41 All in favor. None opposed. Motion carried.

42
43 **VI. OTHER DISCUSSION**

44
45 Mr. Dollahon advised the committee that a copy of the final rank and
46 recommendations from this meeting would be sent to them. He also advised

1 members to pick up the packet of health-related applications for their review.
2 Next meetings will be April 15th and 29th, at which time they will have the Health-
3 related presentations. However all score sheets will need to be completed and
4 returned to staff by April 10, at 5:00 p.m. This is due to the bonus points sheet
5 the committee will need to complete at the time of the presentations and based
6 on the applicants presentations. May 6th meeting will be final rankings and
7 appropriations for health-related applications.

8
9 Mr. Dollahon also advised the committee to keep in mind what they may want to
10 change in regards to the application process as there will be discussions in the
11 summer about possible changes and/or improvements to the process.

12
13
14 **VII. ADJOURNMENT**

15
16 Earl Nissen moved to adjourn.

17
18 Mary Simmons seconded.

19
20 All in favor.

21
22 Meeting adjourned at 6:51 p.m.

23
24
25
26 _____
Chairperson

RESOLUTION NO. 09-259

A RESOLUTION APPROVING THE 2009 ACTION PLAN AS PART OF THE 2006-2010 CONSOLIDATED PLAN FOR THE CITY OF LAS CRUCES. THE RESOLUTION AUTHORIZES THE CITY STAFF TO SUBMIT THE 2009 ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZES THE ACTION PLAN TO BE INCORPORATED INTO THE CITY'S BUDGET FOR FY 2009/2010.

The City Council is informed that:

WHEREAS, the City of Las Cruces is an Entitlement community as defined by the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs, and

WHEREAS, Entitlement communities are required to develop, adopt, and implement a Consolidated Plan every three to five years to address the City's housing and community development needs in order to continue to receive the CDBG and HOME funding, and

WHEREAS, for the 2009 Action Plan, the City will receive entitlement and program income for both the CDBG and HOME Programs from HUD in the amount of \$1,608,000.00 to address the City's affordable housing and community development needs for its low- and moderate-income areas and residents.

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

(I)

THAT the 2009 Action Plan and all necessary support documentation, as shown in Exhibit "A," attached hereto and made part of this Resolution, is hereby approved and adopted.

(II)

THAT Staff is hereby authorized to secure necessary signatures and transmit the 2009 Action Plan to the U.S. Department of Housing and Urban Development on the City's behalf.

(III)

THAT the 2009 Action Plan is hereby authorized to be incorporated into the City's FY 2009/10 budget, once developed.

(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 _____, 2009.

APPROVED:

Mayor Ken Miyagishima

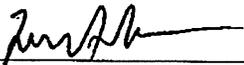
ATTEST:

City Clerk
(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Archuleta: _____
Councillor Small: _____
Councillor Jones: _____
Councillor Thomas: _____

U. S. TITLE 24 CODE OF FEDERAL REGULATIONS PART 570.611
CONFLICT OF INTEREST ACKNOWLEDGEMENT

SUB-PART K

\2\ See footnote 1 at Sec. 570.200(a)(5).

[60 FR 56916, Nov. 9, 1995]

Sec. 570.611 CONFLICT OF INTEREST

(a) Applicability. (1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to Sec. 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to Sec. 570.203, 570.204, 570.455, or 570.703(i)).

(b) Conflicts prohibited. The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any

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such financial interest or benefit during, or at any time after, such person's tenure.

(c) Persons covered. The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on

a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.