

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE DEPUTY CITY MANAGER TO EXECUTE CDBG, HOME, AND ESG CONTRACTS, INCLUDING THOSE INVOLVING NON-SUBSTANTIAL CHANGES.

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

- a) The City of Escondido ("City") receives an annual allocation from the U.S. Department of Housing and Urban Development ("HUD") for Community Development Block Grant ("CDBG"), HOME investment Partnership Program ("HOME") and Emergency Solutions Grants ("ESG").
- b) The City has received one-time, limited funding from the CARES Act for CDBG-CV, ESG-CV, and HOME-CV.
- c) To improve efficiency of contract execution and amendments, the Deputy City Manager is hereby authorized to execute agreements, on behalf of the City, with specific providers involving payment of CDBG, HOME, and ESG funds, provided such agreements have been approved by the City Attorney, HUD, and meet all applicable requirements, including environmental review standards.
- d) In addition, the Deputy City Manager is hereby authorized, on behalf of the City, to authorize and execute amendments to such agreements involving non-substantial changes to the CDBG, HOME, and ESG budgets within 25%, whether above or below the projected allocation, which may be proportionally dispersed to current distributions and activities.

SECTION 2: Proper notices of a public hearing have been given and public hearings have been held before the City Council on this issue.

SECTION 3. The City Council has reviewed the proposed ordinance authorizing the Deputy City Manager to execute agreements, on behalf of the City, involving payment of CDBG, HOME, and ESG funds, including CDBG-CV, HOME-CV and ESG-CV.

SECTION 4. HUD's Consolidated Plans, Annual Action Plans, and agreements over two hundred thousand dollars (\$200,000) will be presented to City Council for approval.

SECTION 5: Upon consideration of the request, the City Council hereby approves this ordinance.

SECTION 6. ENVIRONMENTAL REVIEW. CDBG, ESG, and HOME funds cannot be committed to projects until certain conditions are met including HUD's acceptance of the Action Plan, completion of a National Environmental Policy Act ("NEPA") environmental review for each project, receipt of environmental clearance from HUD, provision of appropriate insurance verification by subrecipients, and acceptance of City contract terms

SECTION 7. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.