


City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION:

- 1) **ACCEPTING AND APPROPRIATING CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES ACT) FUNDS IN THE AMOUNT OF NINETEEN MILLION, TWO HUNDRED EIGHTY-EIGHT THOUSAND, ONE HUNDRED SEVENTY-FIVE DOLLARS (\$19,288,175) AWARDED TO THE CITY OF OAKLAND IN ROUND TWO OF THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT EMERGENCY SOLUTIONS GRANT ALLOCATIONS TO PREVENT, PREPARE FOR AND RESPOND TO THE CORONAVIRUS;**
- 2) **ACCEPTING AND APPROPRIATING CARES ACT FUNDS IN THE AMOUNT OF THREE MILLION, SEVEN HUNDRED TWELVE THOUSAND, FIVE HUNDRED TWENTY-NINE DOLLARS (\$3,712,594) AWARDED TO THE CITY OF OAKLAND IN ROUND THREE OF THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS TO PREVENT, PREPARE FOR AND RESPOND TO THE CORONAVIRUS;**
- 3) **AUTHORIZING THE CITY ADMINISTRATOR TO UPDATE ROUND ONE CARES ACT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA-CV) PROGRAMS TO INCLUDE A RENTAL ASSISTANCE PROGRAM FOR HOMELESS PEOPLE WITH HIV/AIDS TRANSITIONING OUT OF THE OPERATION HOME KEY MOTEL ROOMS TO PERMANENT HOUSING;**
- 4) **AUTHORIZING THE CITY ADMINISTRATOR TO PREPARE AND SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT THE CITY'S SECOND SUBSTANTIAL AMENDMENT TO ITS FISCAL YEAR 2019-2020 CONSOLIDATED ANNUAL ACTION PLAN; AND**
- 5) **AUTHORIZING THE CITY ADMINISTRATOR TO AWARD ROUND-ONE HOPWA CARES ACT GRANT AGREEMENTS, ROUND-TWO EMERGENCY SOLUTIONS CARES ACT GRANT AGREEMENTS, AND ROUND-THREE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT GRANT AGREEMENTS AS SET FORTH IN EXHIBIT A, ATTACHED HERETO AND THE CITY'S AMENDED FISCAL YEAR**

2019-2020 CONSOLIDATED ANNUAL ACTION PLAN, SUBJECT TO COMPLIANCE WITH ANY APPLICABLE COMPETITIVE BIDDING REQUIREMENTS, WITHOUT RETURNING TO COUNCIL.

WHEREAS, the United States Department of Housing & Urban Development (HUD) has released the second tranche of Coronavirus, Aid, Relief and Economic Security Act (CARES Act) funding for the Emergency Solutions Grant (ESG-CV2) and the third tranche of CARES Act funding for the Community Development Block Grant (CDBG-CV3) to support activities that prevent, prepare for and respond to coronavirus impacts; and

WHEREAS, in the second and third tranche of CARES Act funding, HUD has awarded the City of Oakland Nineteen Million, Two Hundred Eighty-Eight Thousand, One Hundred Seventy-Five Dollars (\$19,288,175) under the ESG-CV2 and Three Million, Seven Hundred Twelve Thousand, Five Hundred Twenty-Nine Dollars (\$3,712,594) under the CDBG-CV3; and

WHEREAS, HUD Grant Agreements for CARES Act funding awarded to the City of Oakland in the first tranche are fully executed for the CDBG-CV, ESG-CV and HOPWA-CV as authorized by Oakland City Council Resolution No. 88202 and 88135 C.M.S.;

WHEREAS, updates to the first tranche HOPWA-CV program descriptions have been made to include rental assistance to people living with AIDS (PLWA) transitioning to permanent housing from Homekey Motel Room programs; and

WHEREAS, pursuant to Title 24 of the Catalogue of Federal Regulations Part 91.505 (24 CFR 91.505) the City as a grantee of CDBG funds is required to submit an Amendment to its Annual Action Plan (AAP) whenever the decision is made (1) to make a change in its allocation priorities or a change in the method of distribution of funds; (2) to carry out an activity, using funds from any program covered by the AAP, not previously described in the AAP; or (3) to change the purpose, scope, location, or beneficiaries of an activity; and

WHEREAS, the City's Citizen Participation Plan defines a substantial amendment to the AAP as (1) a change in the use of CDBG funding from one activity to another; (2) funding of an activity type not described in the Annual Action Plan; (3) changing the priorities contained in the Five-Year Strategy; and (4) increasing or reducing the amount allocated to an activity by more than 25 percent; and

WHEREAS, in order to add program descriptions and funding for ESG-CV2 and CDBG-CV3 and to update HOPWA-CV program descriptions, the City of Oakland must prepare and submit to HUD for review and approval, a Second Substantial Amendment To The City's FY 2019/20 Consolidated Annual Action Plan (AAP); and

WHEREAS, Title 24, section 91.105 of the Code of Federal Regulations (24 CFR 91.105) requires that recipients provide a period of 30 calendars days for public comment on the proposed FY 2019-2020 AAP and/or Amendments thereto; and

WHEREAS, a HUD Memorandum released April 2, 2020 waives the 30-day public comment period for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment until the end of FY 2020/21; and

WHEREAS, a public hearing will be held on December 1, 2020 on the Second Substantial Amendment to the FY 2019/20 AAP; now, therefore be it

RESOLVED: That the City of Oakland accepts and appropriates CARES Act funds awarded to the City of Oakland under ESG-CV2 and CDBG-CV3 in the amount of Nineteen Million, Two Hundred Eighty-Eight Thousand, One Hundred Seventy-Five Dollars (\$19,288,175) and Three Million, Seven Hundred Twelve Thousand, Five Hundred Twenty-Nine Dollars (\$3,712,694) respectively; and be it

FURTHER RESOLVED: That the CARES Act funds awarded under ESG-CV2 shall be appropriated to Fund 2103, Organization 78411, Account 54912, Project "To Be Determined ESG-CV2"; and be it

FURTHER RESOLVED: That the CARES Act funds awarded under CDBG-CV3 shall be appropriated to Fund 2108, Organization 89949, Account 54912, Project 1005682; and be it

FURTHER RESOLVED: That the City will provide a public comment period for the Substantial Amendment to the 2019/20 of not less than five days; and be it

FURTHER RESOLVED: That the City Council hereby authorizes and directs the City Administrator or designee, to prepare and submit to HUD the Second Substantial Amendment to the FY 2019-2020 AAP and related documents, and to review and consider all public comments regarding said amended AAP; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to award agreements to third-party contractors and sub recipients to be determined, for projects and activities as set forth in **Exhibit A** attached hereto and included in the City's Second Substantial Amendment to the FY 2019-2020 AAP subject to compliance with any applicable ESG-CV2, CDBG-CV3 and HOPWA-CV City competitive bidding requirements, without returning to Council; and be it

FURTHER RESOLVED: That the City Administrator or designee is hereby authorized to approve any amendments to the Annual Action Plan, and any amendments, modifications or extensions of FY 2019-2020 agreements, and take any other action with respect to the agreements consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or designee to conduct negotiations, execute documents, and take any other action with respect to the projects and the allocation of CDBG funds consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED: That prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney; and be it

FURTHER RESOLVED: That executed copies of all agreements shall be filed with the City Clerk.

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IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON-MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED
Acting City Clerk and Clerk of the Council
of the City of Oakland, CA