

RESOLUTION NO. 2023-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, APPROVING SUBSTANTIAL AMENDMENT #1 TO THE PROGRAM YEAR 2021-2022 ANNUAL ACTION PLAN AND THE HOME-ARP ALLOCATION PLAN FOR THE ADDITIONAL HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS MADE AVAILABLE THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021; ACCEPTING AND APPROPRIATING THE HOME-ARP FUNDS AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE CITY MANAGER OR DEPUTY CITY MANAGER TO EXECUTE ANY RELATED DOCUMENTS, CERTIFICATIONS, AND/OR AGREEMENTS RESULTING FROM THIS ALLOCATION; AND AUTHORIZING STAFF TO SUBMIT ALL APPROVED DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the American Rescue Plan (ARP) Act of 2021 appropriated \$5 billion to provide housing and services to people experiencing homelessness as well as other vulnerable populations, to be allocated to jurisdictions that qualified for HOME Investment Partnerships (HOME) Program funding for Fiscal Year 2021-22, and on April 28, 2021, the City of Merced was notified that it would receive an allocation of this funding; and,

WHEREAS, on September 13, 2021, the U.S. Department of Housing and Urban Development (HUD) published its Implementing Notice, Notice CPD-21-10, entitled "Requirements for the Use of Funds in the HOME-American Rescue Plan (HOME-ARP) Program" which established requirements for the HOME-ARP funding appropriated through the ARP; and,

WHEREAS, on September 20, 2021, the U.S. Department of Housing and Urban Development (HUD) awarded the City of Merced HOME-ARP funds in the

amount of One Million Nine Hundred Eighty-Eight Thousand Seven Hundred Seventy-Eight Dollars (\$1,988,778); and,

WHEREAS, in order to use HOME-ARP funding, Notice CPD-21-10 requires the City of Merced to engage in consultation and public participation processes and develop a HOME-ARP Allocation Plan (Plan), to be submitted to HUD for review and approval as a Substantial Amendment to the 2021-2022 Annual Action Plan; and,

WHEREAS, on September 8, 2021, for purposes of the Plan, HUD issued a Memorandum waiving the public participation requirements of the City's adopted Citizen Participation Plan regarding plan amendments and replaces them with Alternative Public Participation Requirements, which include that the City: 1) provide residents with reasonable notice and an opportunity to comment of no less than 15 calendar days; 2) follow its adopted requirements for providing reasonable notice and opportunity to comment on plan amendments; and, 3) hold at least one public hearing prior to submitting the Plan to HUD; and,

WHEREAS, in compliance with Notice CPD-21-10 and the HOME-ARP waivers Memorandum, the City held three resident input meetings during the month of December 2022 to explain the amount and eligible uses of HOME-ARP funding and to gather citizen input; published information in local newspapers, the December 2022 and January 2023 monthly utility newsletters, and on the City's official social media platforms; conducted an online HOME-ARP Resident Survey from November 18, 2022, to January 31, 2022; consulted with the required agencies and service providers; published Public Hearing and Opportunity to Comment Notices in multiple languages in local newspapers, on the City's website, at City Hall, and on social media; provided an 18-day public review and comment period from March 3, 2023, to March 20, 2023; and held a Public Hearing at the City Council meeting of March 20, 2023.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced hereby approves Substantial Amendment #1 to the City of Merced 2021-22 HUD Annual Action Plan and the HOME-ARP Allocation Plan to be included as the amendment and directs the City Manager and Deputy City Manager to review and consider all public comment provided. The City Manager is hereby authorized to execute all

documents related thereto, and staff is authorized to submit all documents to the United States Department of Housing and Urban Development.

SECTION 2. The City Council hereby accepts HOME-ARP grant funds in the amount of One Million Nine Hundred Eighty-Eight Thousand Seven Hundred Seventy-Eight Dollars (\$1,988,778) awarded by HUD to the City of Merced; and

SECTION 3. The City Council hereby resolves that not more than fifteen percent (15%) or Two Hundred Ninety-Eight Thousand Three Hundred Sixteen Dollars and Seventy Cents (\$298,316.70) of the HOME-ARP funds shall be used to cover administration and planning costs attributable to the HOME-ARP funding, including preparation of the Plan and planned activities, as authorized under HUD Notice CPD-21-10; and

SECTION 4. The City Council hereby directs the Finance Officer to appropriate all HOME-ARP funds as necessary and to projects as to be determined; and

SECTION 5. The City Council hereby authorizes the City Manager and the Deputy City Manager to award and execute agreement(s) to any third-party contractors and subrecipients to be determined, for eligible projects and activities as set forth in the HOME-ARP Allocation Plan and included in the First Substantial Amendment to the 2021-22 Annual Action Plan, subject to compliance with applicable HOME-ARP and City requirements; and

SECTION 6. The City Council hereby directs that prior to execution, all agreements shall be reviewed and approved as to form and legality by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2023, by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEPHANIE R. DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Laurie

Avedisian-

Favini

Digitally signed by Laurie
Avedisian-Favini
DN: CN = Laurie Avedisian-Favini
email = lfavini@lozanosmith.com
C = US O = Lozano Smith
Date: 2023.02.28 15:45:33 -08'00' 2/28/23

City Attorney Date