



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Leslye Corsiglia

SUBJECT: AMENDMENT TO THE CITIZEN
PARTICIPATION PLAN

DATE: February 15, 2012

Approved

Date

2-23-12

RECOMMENDATION

- (a) Hold a public hearing on an Amendment to the Citizen Participation Plan – required for the administration of federal housing and community development grant funds – to allow the Grants Standing Subcommittee of the Housing and Community Development Advisory Commission to hold public hearings required by HUD in lieu of and on behalf of the Commission itself in the event that a quorum of the full Commission is not available.
- (b) Adopt a resolution approving the Amendment.

OUTCOME

Approval of the recommended action will provide the City with the flexibility and ability to make decisions on time-sensitive and mission-critical grant funding policies and procedures to meet the needs of San José's residents and neighborhoods without sacrificing the opportunities for the public to provide input on those decisions.

BACKGROUND

A requirement of the U.S. Department of Housing and Urban Development (HUD) is that each local government recipient of entitlement grants prepare and adopt a Citizen Participation Plan (CPP) that spells out what kinds of public outreach and noticing will be followed in the adoption of the Five-Year Consolidated Plan (ConPlan), the Consolidated Annual Action Plan (also ConPlan), Substantial Amendments to the ConPlan, and the Consolidated Annual Performance Evaluation Report (CAPER).

The City's CPP, most recently amended in September 2010, requires public hearings at not only at the City Council (HUD's minimum requirement) but also at the Housing and Community Development Advisory Commission (HCDAC).

ANALYSIS

In recent months, the HCDAC has lost two of its nine members and two more are expected to resign soon. As a result, the Commission has had difficulty assembling a quorum and without a quorum, a meeting cannot be held. For a pending Substantial Amendment to the ConPlan (agendized for the February 28, 2012 City Council Meeting), the public hearing notice had to be re-published in the newspaper twice because we were unable to achieve a quorum at the first two publicly-noticed meetings.

To address this issue, on January 25, 2012, the Rules and Open Government Committee approved a change to the Commission's work plan to allow the Commission to name a Grants Standing Subcommittee of three members which could, in the absence of a quorum of the full Commission, hold the meeting instead, including the conduct of public hearings and the making recommendations to the City Council on the Commission's behalf. In such a case, a quorum of two members of the Subcommittee would constitute a quorum.

The CPP, as currently adopted, does not recognize the Subcommittee. Therefore, an amendment is necessary to allow the Subcommittee to hold public hearings on those ConPlan-related issues required of the HCDAC if needed.

The proposed amendment of the CPP (see attached copy) will preserve the City's ability to hold the required number of public hearings for the ConPlan and related issues and documents while at the same time keeping issues related to federal funding of City project moving forward in a timely fashion and meeting deadlines. In the latter regard, the annual May 15 deadline to submit the ConPlan to HUD is critically important since missing the deadline would jeopardize an entire year's worth of entitlement grants which next fiscal year are expected to total approximately \$12 million.

Recommendation from Housing and Community Development Advisory Commission

On January 25, 2012, the HCDAC considered the proposed amendment to the CPP and voted to recommend approval by the City Council.

EVALUATION AND FOLLOW-UP

Whenever the City Council considers issues for which the CPP requires the HCDAC's prior consideration and recommendation, staff will report if that recommendation was adopted by the Grants Standing Subcommittee on behalf of the full Commission.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

The action recommended in this report does not meet any of the above criteria. Nonetheless, this report will be posted on the website for the Council's March 6, 2012 meeting; and:

- The proposed amendment was considered by the Housing and Community Development Advisory Commission on January 25, 2012.
- The City Council's public hearing will be noticed by being published in the San José Mercury-News and in Spanish-, Vietnamese- and Chinese-language newspapers during the week of February 13, 2012.
- Notices of the Council's public hearing will be sent by e-mail and the U.S. Postal Service during the week of February 13, 2012 to nearly 400 individual addresses.

COORDINATION

Preparation of this report was coordinated with the City Attorney's Office.

CEQA

Not a Project, PP10-068 General Procedure and Policy Making

/s/

LESLYE CORSIGLIA
Director of Housing

For questions please contact Leslye Corsiglia, Director of Housing, at (408) 535-3851.

Attachment

Attachment

AMENDMENT TO THE
DEPARTMENT OF HOUSING
CITIZEN PARTICIPATION PLAN FOR
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS
February 2012

Near the top of page 8 of the adopted Citizen Participation Plan, amend subparagraph "a" as follows (additions or deletions):

- a. At least *one (1)* hearing on the draft ConPlan, Annual Action Plan, CAPER or any substantial amendments before the Housing and Community Development Advisory Commission (HCDAC), for which purpose the Grants Standing Subcommittee of the Commission may hold the hearing on behalf of the full Commission if a quorum of the full Commission is not available.

-- End of Amendment --