

## RESOLUTION NO. 2012-84

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING FIRST AMENDMENT TO THE AGREEMENT BY AND BETWEEN COMMITTEE ON THE SHELTERLESS AND THE CITY OF ROHNERT PARK TO PROVIDE MANAGEMENT SERVICES FOR THE SHARED HOUSING PROGRAM AND AUTHORIZING THE PROVISION OF FINANCIAL ASSISTANCE FROM THE CITY'S AFFORDABLE HOUSING TRUST FUND

**WHEREAS**, Committee on the Shelterless ("COTS") has successfully managed five (5) shared living homes for single parent families at risk of becoming homeless (collectively "Shared Living Homes") and the HUD-funded Alma Street transitional home for at-risk mothers with children transitioning from homelessness to independent living ("Alma Street Facility"); and

**WHEREAS**, COTS provides counseling, educational opportunities and financial training for very low-income Rohnert Park families through its Shared Housing Program ("Program"); and

**WHEREAS**, COTS is experiencing a funding shortfall from grant requests and private donations and is now requesting financial support of Eighty-Four Thousand Fifty-Six Dollars (\$84,056) for the 2012/13 FY to assist in the operation of the Shared Living Homes; and

**WHEREAS**, COTS has applied for and has been granted HUD Supportive Housing Grant funds and requests matching funds from the City in the amount of Four Thousand Dollars (\$4,000) for the 2012/13 FY to subsidize below-market rate rents of the HUD-funded Alma Street Facility; and

**WHEREAS**, COTS requires emergency contingency construction funding in the amount of Two Thousand Dollars (\$2,000) per home or Ten Thousand Dollars (\$10,000) total for maintenance emergencies; and

**WHEREAS**, City wishes to enter into an agreement with COTS for management of the Shared Living Homes and the provision of financial assistance in support of the Shared Housing Program, Alma Street Facility and emergency contingency construction funding.

**WHEREAS**, as a result of the passage of AB 1X 26 (the "Dissolution Bill") and AB 1484 (the "Redevelopment Budget Trailer Bill") the only funding source available to provide assistance to COTS is the Housing Trust Fund;

**WHEREAS**, City has established an affordable housing trust fund ("Housing Trust Fund") pursuant to Section 17.07.020(N) of the City's Municipal Code for purposes consistent with COTS' Program and activities; and

**WHEREAS**, there are limited funds available in the Housing Trust Fund to provide assistance to COTS and other Community Service Organizations in need of financial assistance in FY 2012/13;

**WHEREAS**, the City wishes to utilize a portion of the funds available in the Housing Trust Fund to provide assistance to COTS for management of the Shared Living Homes and the

Alma Street facility;

**WHEREAS**, City has determined to provide financial assistance to COTS in the amount of Thirty-Three Thousand Dollars (\$33,000) to support the five (5) Shared Living Homes and provide a matching fund contribution for the Alma Street Facility; and

**WHEREAS**, City has determined to provide further assistance of Thirteen Thousand Twenty-Eight Dollars (\$13,028) in the event that there are additional funds available to support low and very low income homeowners in need of assistance.

**WHEREAS**, the City has determined that it shall set aside contingency construction funding in the amount of Two Thousand Dollars (\$2,000) per home or Ten Thousand Dollars (\$10,000) total for maintenance emergencies.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rohnert Park that it does hereby authorize and approve the provision of financial assistance from the Housing Trust Fund in the amount of Thirty-Three Thousand Dollars (\$33,000) for FY 2012/13.

**BE IT FURTHER RESOLVED** by the City Council of the City of Rohnert Park that it does hereby authorize and approve the provision of additional funds in the amount of Thirteen Thousand Twenty-Eight Dollars (\$13,028) in the event that those funds become available.

**BE IT FURTHER RESOLVED** by the City Council of the City of Rohnert Park that it does hereby approve a set-aside for contingency construction funding in the amount of Two Thousand Dollars (\$2,000) per home or Ten Thousand Dollars (\$10,000) total for maintenance emergencies.

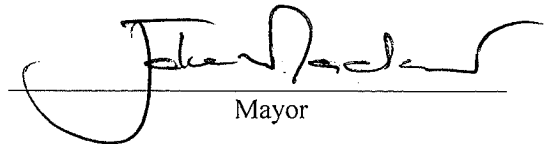
**BE IT FURTHER RESOLVED** by the City Council of the City of Rohnert Park that it does hereby authorize and approve the City entering into the proposed Agreement by and between the Committee on the Shelterless and the City of Rohnert Park in substantially similar form to the agreement attached hereto as Exhibit "A," subject to minor modifications by the City Manager or City Attorney.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to execute documents pertaining to same for and on behalf of the City of Rohnert Park.

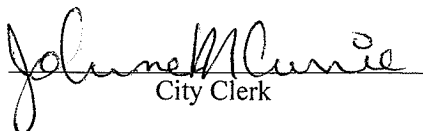
**DULY AND REGULARLY ADOPTED** this 24<sup>th</sup> day of July, 2012.



**CITY OF ROHNERT PARK**

  
Mayor

**ATTEST:**

  
City Clerk

AHANOTU: AYE BELFORTE: AYE CALLINAN: ABSENT STAFFORD: AYE MACKENZIE: AYE

AYES: ( 4 ) NOES: ( 0 ) ABSENT: ( 1 ) ABSTAIN: ( 0 )

**FIRST AMENDMENT  
TO THE AGREEMENT BY AND BETWEEN  
COMMITTEE ON THE SHELTERLESS AND THE  
CITY OF ROHNERT PARK TO PROVIDE MANAGEMENT SERVICES FOR THE  
SHARED HOUSING PROGRAM**

This First Amendment to the agreement by and between Committee on the Shelterless and the City of Rohnert Park to Provide Management Services for the Shared Housing Program (“First Amendment”), dated this \_\_\_\_\_, 2012, is entered into between the Committee on the Shelterless, a California non-profit public benefit corporation (hereinafter referred to as "COTS") and the City of Rohnert Park, a municipal corporation (hereinafter referred to as "City") with reference to the following facts and intentions.

WITNESSETH:

WHEREAS, COTS has successfully managed the five (5) City of Rohnert Park “Shared Living Homes” and the COTS-leased HUD-funded Alma Street Transitional Home for at-risk mothers with children transitioning from homelessness to independent living, as well as providing counseling, educational opportunities and financial training for very low-income Rohnert Park families;

WHEREAS, COTS is experiencing a funding shortfall from grant requests and private donations and is now requesting financial support of \$84,056 for the 2012/13 Fiscal Year to assist in the support of the five (5) shared homes in Rohnert Park through June 30, 2013;

WHEREAS, COTS applied for and has been granted HUD Supportive Housing Grant funds and requests matching funds from the City in the amount of \$4,000 for the 2012/13 Fiscal Year to subsidize below-market rate rents of the HUD-funded Alma Street facility;

WHEREAS, as a result of proposed legislation, which was subsequently signed into law on June 29, 2011 (“AB 1X 26”), the Community Development Commission (“CDC”) granted fee title to the Shared Living Homes to the City;

WHEREAS, on July 7, 2011, the City entered into an agreement with COTS for management of the Shared Living Homes and the Alma Street facility and to provide financial assistance from the Affordable Housing Trust Fund;

WHEREAS, the City is desirous of continuing to augment the resources available to COTS to assist households transitioning from homelessness to mainstream living in Rohnert Park;

WHEREAS, as a result of the passage of AB 1X 26 (the “Dissolution Bill”) and AB 1484 (the “Redevelopment Budget Trailer Bill”) the only funding source available to provide assistance to COTS is the Affordable Housing Trust Fund;

WHEREAS, City has established an affordable housing trust fund (“Housing Trust Fund”) pursuant to Section 17.07.020(N) of the City’s Municipal Code for purposes consistent with COTS’ Program and activities; and

WHEREAS, there are limited funds available in the Affordable Housing Trust Fund to provide assistance to COTS and other Community Service Organizations in need of financial assistance in FY 2012/13;

WHEREAS, the City will utilize a portion of the funds available in the Affordable Housing Trust Fund to provide assistance to COTS for management of the Shared Living Homes and Alma Street facility;

WHEREAS, the City and COTS now desire to enter into this First Amendment to provide for financial assistance as described below.

NOW, THEREFORE, in consideration of the following mutual promises, the parties hereby amend the Agreement as follows:

1. Section III of the Agreement by First Amendment is hereby deleted in its entirety and replaced with the following:

Section III. CITY FINANCIAL ASSISTANCE. City shall pay the City Financial Assistance to COTS as follows:

Within (30) days of execution of this Agreement by City, City shall pay COTS the sum of Thirty-Three Thousand Dollars (\$33,000), to support the five (5) Shared Living Homes and provide a matching fund contribution for the Alma Street Facility.

If additional funds are available, Thirteen Thousand, Twenty-Eight Dollars (\$13,028) will be released to COTS to assist low and very low income homeowners in need of assistance

City shall establish a fund for emergency contingency construction funding for the Shared Living Homes in the amount of \$2,000 per home or \$10,000 total for repair emergencies ("Emergency Maintenance Fund"). To the extent reasonably possible, COTS shall obtain prior written approval from City for expenses to be reimbursed through the Emergency Maintenance Fund. COTS shall submit invoices and supporting receipts for expenses to be reimbursed from the Emergency Maintenance Fund within sixty (60) days of payment, and City shall reimburse COTS for eligible expenses within sixty (60) days of receipt of such submissions. In no event shall the Emergency Maintenance Fund be used for routine maintenance, but shall instead be used only for unforeseen major repairs to conditions (e.g., major water leak, sewer line backup/breach, electrical malfunction) that pose an imminent health or safety risk. At the discretion of the City Manager or his/her designee, COTS may submit a reimbursement request in excess of Two Thousand Dollars (\$2,000) for emergency repairs on any home as long as the total of all reimbursement requests does not exceed \$10,000. COTS shall not be responsible for emergency repairs that may exceed \$10,000, provided however, that COTS shall not undertake repairs costing in excess of \$10,000 without first consulting with and obtaining approval of City.

2. Section V of the Agreement is hereby deleted in its entirety and replaced with the following:

SECTION V. TERM. The term of this Agreement, as amended, shall begin on July 1, 2012 and shall continue until a 90-day written notice of termination is issued, or on the date of the expenditure of the total funding commitment amount provided for herein; or upon the termination pursuant to provisions of cause stated within this agreement.

3. Agreement In Effect. Except as amended by this First Amendment, the Agreement shall remain in full force and effect.

4. Counterpart Signatures. This First Amendment may be signed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument or caused the Amendment to be executed by their duly authorized agents this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF ROHNERT PARK

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Manager

Per Resolution No. 2012-XX approved by the City Council of the City of Rohnert Park on the 24<sup>th</sup> of July, 2012.

Approved as to Form:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney

Attest: \_\_\_\_\_  
City Clerk

COMMITTEE ON THE SHELTERLESS ("COTS")

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Executive Director