

VILLAGE OF ROYAL PALM BEACH
Agenda Item Summary

AGENDA ITEM: Approval and adoption of Resolution No. 23-15, a resolution of the Village Council of the Village of Royal Palm Beach, Florida, authorizing the Mayor to execute Amendment 002 to the Interlocal Cooperation Agreement with Palm Beach County concerning the Village's participation in the Urban County Program related to the administration of funds from the Community Development Block Grant ("CDBG") and Home Investment Partnerships Program during Federal Fiscal Years 2024-2026; providing an effective date; and for other purposes.

ISSUE:

On August 19, 2014, the Village entered into an Interlocal Cooperation Agreement (R2014-1169) ("Agreement") with Palm Beach County to formalize the Village's participation in the Urban County Qualification Process for Fiscal Years 2014, 2016 and 2017 as amended August 25, 2020 (R2020-1222) ("Amendment"). The Agreement is automatically renewed every three (3) years at the end of the qualification period.

On May 21, 2020, the Village Council approved Amendment 001 to the Interlocal Cooperation Agreement with Palm Beach County through Resolution No. 20-09 renewing in the Urban County Program for the next three years (2021-2023).

The current three-year qualifying period covered under Amendment 001 will expire September 30, 2024 and another renewal by the Village is required to cover the October 1, 2024 to September 30, 2027 time period (Fiscal Years 2024-2026).

Additionally, this Amendment provides for revised specific language to Clause 11 of the Agreement as requested by the Department of Housing and Urban Development ("HUD") in its most recent Instructions for Urban County Participation in CDBG Program for FY 2024-2026 requiring that all interlocal agreements should contain specific language. The Interlocal Cooperation Agreement between Palm Beach County and the Village did not contain this specific language.

RECOMMENDED ACTION: Motion to Adopt Resolution 23-15.

Initiator:	Village Manager	Agenda Date	Village Council
Village Manager	Approval	5/18/23	Action

RESOLUTION NO. 23-15

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 002 TO THE INTERLOCAL COOPERATION AGREEMENT WITH PALM BEACH COUNTY CONCERNING THE VILLAGE'S PARTICIPATION IN THE URBAN COUNTY PROGRAM RELATED TO THE ADMINISTRATION OF FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM DURING FEDERAL FISCAL YEARS 2024-2027; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Title I of the Housing and Community Development Act of 1974 mandates that a county must enter into an interlocal agreement with municipalities in order to implement and obtain funding from the Community Development Block Grant ("CDBG") and also to implement the Home Investment Partnerships Program ("HOME") pursuant to Title II of the National Affordable Housing Act of 1990; and

WHEREAS, on August 19, 2014, the Village of Royal Palm Beach and Palm Beach County entered into an Interlocal Agreement (R2014-1169) as part of the Urban County Qualification Process for Fiscal Year 2015-2017; and

WHEREAS, on May 21, 2020, the Village of Royal Palm Beach and Palm Beach County entered into Amendment 001 to the Interlocal Agreement through Village Resolution No. 20-09 renewing the program for the next three years (Fiscal Year 2021-2023); and

WHEREAS, the Palm Beach County's Housing and Economic Sustainability ("HES") office manages the administration of the funds and ensures compliance with the U.S. Department of Housing & Urban Development ("HUD") guidelines for the CDBG and HOME programs which provide, in part, for economic development initiatives, emergency repairs, mortgage subsidies for first-time homebuyers and housing rehabilitation; and

WHEREAS, HUD expressed in its most recent Instructions for Urban County Participation in CDBG Program for FY 2024- 2027 that all interlocal agreements should contain specific language in Clause 11 referencing specific code of federal regulations and agreement by the Village of provide assurances and certifications in the HUD 424-B; and

WHEREAS, the Interlocal Cooperation Agreement between Palm Beach County and the

Village did not contain this specific language; and

WHEREAS, the Village Council of the Village of Royal Palm Beach desires to renew its participation in the Urban County Program for Federal FY 2024-2027 and adopt Amendment 002 to the Interlocal Cooperation Agreement in order to comply with HUD's requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village Council of the Village of Royal Palm Beach, a municipal corporation, hereby authorizes its Mayor, Fred Pinto, to execute Amendment 002 to the Interlocal Cooperation Agreement between Palm Beach County and Village of Royal Palm Beach to renew participation in the Urban County Program in order to implement and obtain funding from the CDBG and HOME as it is administered by the Palm Beach County HES.

Section 2: The Village Clerk is hereby directed to provide a certified copy of this Resolution to the appropriate parties at Palm Beach County.

Section 3: This Resolution shall take effect immediately upon its adoption by the Village Council.

PASSED AND ADOPTED this 18th day of May, 2023.

VILLAGE OF ROYAL PALM BEACH

FRED PINTO, MAYOR

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

**AMENDMENT 002 TO THE AGREEMENT WITH
VILLAGE OF ROYAL PALM BEACH**

Amendment 002, effective as of _____, by and between **Palm Beach County** (County), and the **Village of Royal Palm Beach** (Municipality).

WITNESSETH:

WHEREAS, Palm Beach County entered into an Interlocal Cooperation Agreement (R2014-1169) (the "Agreement") with the Municipality on August 19, 2014, to formalize the Municipality's participation in the urban county qualification process for Federal Fiscal Years 2014, 2016, and 2017, and amended August 25, 2020 (R2020-1222) (the "Amendment"); and

WHEREAS, the Agreement is automatically renewed every three years at the end of the qualification period and is now due for renewal; and

WHEREAS, the Amendment provided for revised specific language as requested by the Department of Housing and Urban Development (HUD); and

WHEREAS, HUD has expressed in its most recent Instructions for Urban County Participation in Community Development Block Grant (CDBG) Program for FY 2024-2026 that all interlocal agreements should contain specific language; and

WHEREAS, the Agreements between Palm Beach County and the municipalities participating in the urban county program did not contain this specific language; and

WHEREAS, both parties desire to amend the Agreement, and Amended to comply with HUD's requirements.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

The foregoing recitals are true and correct and incorporated herein by reference. Terms not defined herein shall have the same meaning as ascribed to them in the Agreement.

A. DELETE THE FOLLOWING CLAUSE 11:

The Municipality and the County shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The Municipality and the County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws. The County shall not fund any activities in, or in support of, the Municipality should the Municipality not affirmatively further fair housing within its jurisdiction or should the Municipality impede the County's actions to comply with the County's fair housing certification.

B. REPLACE DELETED CLAUSE WITH REVISED CLAUSE 11:

The Municipality and the County shall take all actions necessary to assure compliance with the County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1, the Fair Housing Act, and the implementing regulations at 24 CFR part 100, and affirmatively furthering fair housing. The Municipality and the County shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at

24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR part 8, Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35, the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR part 146, Section 3 of the Housing and Urban Development Act of 1968, and other applicable laws. The County shall not fund any activities in, or in support of, the Municipality should the Municipality not affirmatively further fair housing within its jurisdiction or should the Municipality impede the County's actions to comply with the County's fair housing certification. The Municipality agrees to sign the assurances and certifications in the HUD 424-B.

IN WITNESS HEREOF, the Municipality and the County have caused this Amendment 002 to be executed on the date first written above:

(MUNICIPAL SEAL BELOW)

**VILLAGE OF ROYAL PALM BEACH, a
municipality duly organized and existing by
virtue of the laws of the State of Florida**

ATTEST:

By: _____
Fred Pinto, Mayor

By: _____
Diane DiSanto, Village Clerk

By: _____
Raymond C. Liggins, Village Manager

(COUNTY SEAL BELOW)

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

BOARD OF COUNTY COMMISSIONERS

ATTEST: JOSEPH ABRUZZO,
Clerk of the Circuit Court & Comptroller

By: _____
Gregg K. Weiss, Mayor

By: _____
Deputy Clerk

Document No.: _____

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Dept. of Housing and Economic Sustainability

By: _____
Howard J. Falcon, III,
Chief Assistant County Attorney

By: _____
Sherry Howard
Deputy Director